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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–0363; Special Conditions No. 25–661–SC]

Special Conditions: Gulfstream Aerospace LP, Model Gulfstream G150 Airplane; Non-Rechargeable Lithium Battery Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comment.

SUMMARY: These special conditions are issued for non-rechargeable lithium battery installations on the Gulfstream Aerospace LP (GALP) Model Gulfstream G150 airplane, as modified by Gulfstream Aerospace Corporation (Gulfstream). Non-rechargeable lithium batteries are a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Gulfstream Aerospace LP on May 1, 2017. We must receive your comments by June 15, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0363 using any of the following methods:

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

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

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2432; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Future Requests for Installation of Non-Rechargeable Lithium Batteries

The FAA anticipates that non-rechargeable lithium batteries will be installed in most makes and models of transport category airplanes. We intend to require special conditions for certification projects involving non-rechargeable lithium battery installations to address certain safety issues until we can revise the airworthiness requirements. Applying special conditions to these installations across the range of transport category airplanes will ensure regulatory consistency.

Typically, the FAA issues special conditions after receiving an application for type certificate approval of a novel or unusual design feature. However, the FAA has found that the presence of non-rechargeable lithium batteries in certification projects is not always immediately identifiable, since the battery itself may not be the focus of the project. Meanwhile, the inclusion of these batteries has become virtually ubiquitous on in-production transport category airplanes, which shows that there will be a need for these special conditions. Also, delaying the issuance of special conditions until after each design application is received could lead to costly certification delays. Therefore the FAA finds it necessary to issue special conditions applicable to these battery installations on particular makes and models of aircraft.

On April 22, 2016, the FAA published special conditions no. 25–612–SC in the **Federal Register** (81 FR 23573) applicable to Gulfstream Aerospace Corporation for the GVI airplane. Those were the first special conditions the FAA issued for non-rechargeable lithium battery installations. We explained in that document our decision to make those special conditions effective one year after publication in the **Federal Register**, which is April 22, 2017. In those special conditions, the FAA stated its intention to apply non-rechargeable lithium battery special conditions to design changes on other makes and models applied for after this same date.

Section 1205 of the FAA Reauthorization Act of 1996 requires the FAA to consider the extent to which Alaska is not served by transportation modes other than aviation and to establish appropriate regulatory distinctions when modifying airworthiness regulations that affect intrastate aviation in Alaska. In consideration of this requirement and the overall impact on safety, the FAA does not intend to require non-rechargeable lithium battery special conditions for design changes that only replace a 121.5 megahertz (MHz) emergency locator transmitter (ELT) with a 406 MHz ELT that meets Technical Standard Order C126b, or later revision, on transport airplanes operating only in Alaska. This will

support our efforts of encouraging operators in Alaska to upgrade to a 406 MHz ELT. These ELTs provide significantly improved accuracy for lifesaving services to locate an accident site in Alaskan terrain. The FAA considers that the safety benefits from upgrading to a 406 MHz ELT for Alaskan operations will outweigh the battery fire risk.

Comments Invited

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

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

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

Background

Gulfstream periodically applies to amend its supplemental type certificate that installs an executive passenger cabin interior, which includes non-rechargeable lithium batteries, in the GALP Model Gulfstream G150 airplane. The GALP Model Gulfstream G150, approved under type certificate no. A16NM, is a twin engine, transport category airplane with a passenger seating capacity of 9 and a maximum takeoff weight of 26,100 pounds.

The FAA is issuing these special conditions for non-rechargeable lithium battery installations on the GALP Model Gulfstream G150 airplane, as modified by Gulfstream. The current battery requirements in title 14, Code of Federal Regulations (14 CFR) part 25 are inadequate for addressing an airplane with non-rechargeable lithium batteries.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Gulfstream must show that the change and areas affected by the change on the GALP Model Gulfstream G150 airplane meet the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. Earlier amended regulations may not precede those listed in type certificate no. A16NM or, for amended supplemental type certificate projects, those listed in the supplemental type certificate. In addition, the certification basis includes certain special conditions, exemptions, or later amended sections that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the GALP Model Gulfstream G150 airplane, as modified by Gulfstream, because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the GALP Model Gulfstream G150 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Feature

The novel or unusual design feature is the installation of non-rechargeable lithium batteries.

For the purpose of these special conditions, we refer to a battery and battery system as a battery. A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging.

Discussion

The FAA derived the current regulations governing installation of batteries in transport category airplanes from Civil Air Regulations (CAR) 4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February 1965. This recodification basically reworded the CAR 4b battery requirements, which are currently in § 25.1353(b)(1) through (4). Non-rechargeable lithium batteries are novel and unusual with respect to the state of technology considered when these requirements were codified. These batteries introduce higher energy levels into airplane systems through new chemical compositions in various battery cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Recent events involving rechargeable and non-rechargeable lithium batteries prompted the FAA to initiate a broad evaluation of these energy storage technologies. In January 2013, two independent events involving rechargeable lithium-ion batteries revealed unanticipated failure modes. A National Transportation Safety Board (NTSB) letter to the FAA, dated May 22, 2014, which is available at *http://www.ntsb.gov,* filename A–14–032–036.pdf, describes these events.

On July 12, 2013, an event involving a non-rechargeable lithium battery in an emergency locator transmitter installation demonstrated unanticipated failure modes. The United Kingdom's Air Accidents Investigation Branch Bulletin S5/2013 describes this event.

Some known uses of rechargeable and non-rechargeable lithium batteries on airplanes include:

- Flight deck and avionics systems such as displays, global positioning systems, cockpit voice recorders, flight data recorders, underwater locator beacons, navigation computers, integrated avionics computers, satellite network and communication systems, communication management units, and remote-monitor electronic line-replaceable units;
- Cabin safety, entertainment, and communications equipment, including emergency locator transmitters, life rafts, escape slides, seatbelt air bags, cabin management systems, Ethernet switches, routers and media servers, wireless systems, internet and in-flight entertainment systems, satellite televisions, remotes, and handsets;
- Systems in cargo areas including door controls, sensors, video surveillance equipment, and security systems.

Some known potential hazards and failure modes associated with non-rechargeable lithium batteries are:

• *Internal failures:* In general, these batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion.

• *Fast or imbalanced discharging:* Fast discharging or an imbalanced discharge of one cell of a multi-cell battery may create an overheating condition that results in an uncontrollable venting condition, which in turn leads to a thermal event or an explosion.

• *Flammability:* Unlike nickel-cadmium and lead-acid batteries, lithium batteries use higher energy and current in an electrochemical system that can be configured to maximize energy storage of lithium. They also use liquid electrolytes that can be extremely flammable. The electrolyte, as well as the electrodes, can serve as a source of fuel for an external fire if the battery casing is breached.

Special condition no. 1 of these special conditions requires that each individual cell within a non-rechargeable lithium battery be designed to maintain safe temperatures and pressures. Special condition no. 2 addresses these same issues but for the entire battery. Special condition no. 2 requires the battery be designed to prevent propagation of a thermal event, such as self-sustained, uncontrollable increases in temperature or pressure from one cell to adjacent cells.

Special conditions nos. 1 and 2 are intended to ensure that the non-rechargeable lithium battery and its cells are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the battery designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special conditions 3, 7, and 8 are self-explanatory.

Special condition no. 4 makes it clear that the flammable fluid fire protection requirements of § 25.863 apply to non-rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Non-rechargeable lithium batteries contain an electrolyte that is a flammable fluid.

Special condition no. 5 requires that each non-rechargeable lithium battery installation not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

While special condition no. 5 addresses corrosive fluids and gases, special condition no. 6 addresses heat. Special condition no. 6 requires that each non-rechargeable lithium battery installation have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat the battery installation can generate due to any failure of it or its individual cells. The means of meeting special conditions nos. 5 and 6 may be the same, but the requirements are independent and address different hazards.

These special conditions apply to all non-rechargeable lithium battery installations in lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations remain in effect for other battery installations.

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

Applicability

These special conditions are applicable to the GALP Model Gulfstream G150 airplane, as modified by Gulfstream. Should Gulfstream apply at a later date for a supplemental type certificate to modify any other model included on type certificate no. A16NM to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

These special conditions are only applicable to design changes applied for after the effective date.

These special conditions are not applicable to changes to previously certified non-rechargeable lithium battery installations where the only change is either cosmetic or to relocate the installation to improve the safety of the airplane and occupants. Previously certified non-rechargeable lithium battery installations, as used in this paragraph, are those installations approved for certification projects applied for on or before the effective date of these special conditions. A cosmetic change is a change in appearance only, and does not change any function or safety characteristic of the battery installation. These special conditions are also not applicable to unchanged, previously certified non-rechargeable lithium battery installations that are affected by a change in a manner that improves the safety of its installation. The FAA determined that these exclusions are in the public interest because the need to meet all of the special conditions might otherwise deter these design changes that improve safety.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

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

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and record keeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the GALP Model Gulfstream G150 airplane modified by Gulfstream.

Non-Rechargeable Lithium Battery Installations

In lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments, each non-rechargeable lithium battery installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.

2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure.

3. Not emit explosive or toxic gases, either in normal operation or as a result

of its failure, that may accumulate in hazardous quantities within the airplane.

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.

8. Have a means for the flightcrew or maintenance personnel to determine the battery charge state if the battery's function is required for safe operation of the airplane.

Note: A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a ''battery'' and ''battery system'' are referred to as a battery.

Issued in Renton, Washington, on April 24, 2017.

Michael Kaszycki,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–08691 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–0362; Special Conditions No. 25–660–SC]

Special Conditions: Bombardier Aerospace Inc., Model DHC–8–400 Series Airplanes; Non-Rechargeable Lithium Battery Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comment.

SUMMARY: These special conditions are issued for non-rechargeable lithium battery installations on the Bombardier Aerospace Inc. (Bombardier) Model DHC–8–400 series airplanes. Non-rechargeable lithium batteries are a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Bombardier on May 1, 2017. We must receive your comments by June 15, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0362 using any of the following methods:

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

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

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2432; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Future Requests for Installation of Non-Rechargeable Lithium Batteries

The FAA anticipates that non-rechargeable lithium batteries will be installed in most makes and models of transport category airplanes. We intend to require special conditions for certification projects involving non-rechargeable lithium battery installations to address certain safety issues until we can revise the airworthiness requirements. Applying special conditions to these installations across the range of transport category airplanes will ensure regulatory consistency.

Typically, the FAA issues special conditions after receiving an application for type certificate approval of a novel or unusual design feature. However, the FAA has found that the presence of non-rechargeable lithium batteries in certification projects is not always immediately identifiable, since the battery itself may not be the focus of the project. Meanwhile, the inclusion of these batteries has become virtually ubiquitous on in-production transport category airplanes, which shows that there will be a need for these special conditions. Also, delaying the issuance of special conditions until after each design application is received could lead to costly certification delays. Therefore the FAA finds it necessary to issue special conditions applicable to these battery installations on particular makes and models of aircraft.

On April 22, 2016, the FAA published special conditions no. 25–612–SC in the **Federal Register** (81 FR 23573) applicable to Gulfstream Aerospace Corporation for the GVI airplane. Those were the first special conditions the FAA issued for non-rechargeable lithium battery installations. We explained in that document our decision to make those special conditions effective one year after publication in the **Federal Register**, which is April 22, 2017. In those special conditions, the FAA stated its intention to apply non-rechargeable lithium battery special conditions to design changes on other makes and models applied for after this same date.

Section 1205 of the FAA Reauthorization Act of 1996 requires the FAA to consider the extent to which Alaska is not served by transportation modes other than aviation and to establish appropriate regulatory distinctions when modifying airworthiness regulations that affect intrastate aviation in Alaska. In

consideration of this requirement and the overall impact on safety, the FAA does not intend to require non-rechargeable lithium battery special conditions for design changes that only replace a 121.5 megahertz (MHz) emergency locator transmitter (ELT) with a 406 MHz ELT that meets Technical Standard Order C126b, or later revision, on transport airplanes operating only in Alaska. This will support our efforts of encouraging operators in Alaska to upgrade to a 406 MHz ELT. These ELTs provide significantly improved accuracy for lifesaving services to locate an accident site in Alaskan terrain. The FAA considers that the safety benefits from upgrading to a 406 MHz ELT for Alaskan operations will outweigh the battery fire risk.

Comments Invited

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

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

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

Background

Bombardier holds type certificate no. A13NM, which provides the certification basis for the DHC–8–400 series airplanes. The DHC–8–400 series airplanes are twin engine, transport category airplanes with a passenger seating capacity of 86 and a maximum takeoff weight of 61,700 to 65,200 pounds, depending on the specific design.

The FAA is issuing these special conditions for non-rechargeable lithium battery installations on the DHC–8–400 series airplanes. The current battery requirements in title 14, Code of Federal Regulations (14 CFR) part 25 are inadequate for addressing an airplane with non-rechargeable lithium batteries.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Bombardier must show that the DHC–8–400 series airplanes meet the applicable provisions of the regulations listed in type certificate no. A13NM or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. In addition, the certification basis includes certain special conditions, exemptions, or later amended sections that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the DHC–8–400 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the DHC–8–400 series airplanes must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Feature

The novel or unusual design feature is the installation of non-rechargeable lithium batteries.

For the purpose of these special conditions, we refer to a battery and battery system as a battery. A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging.

Discussion

The FAA derived the current regulations governing installation of batteries in transport category airplanes from Civil Air Regulations (CAR) 4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February 1965. This recodification basically reworded the CAR 4b battery requirements, which are currently in § 25.1353(b)(1) through (4). Non-rechargeable lithium batteries are novel and unusual with respect to the state of technology considered when these requirements were codified. These batteries introduce higher energy levels into airplane systems through new chemical compositions in various battery cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Recent events involving rechargeable and non-rechargeable lithium batteries prompted the FAA to initiate a broad evaluation of these energy storage technologies. In January 2013, two independent events involving rechargeable lithium-ion batteries revealed unanticipated failure modes. A National Transportation Safety Board (NTSB) letter to the FAA, dated May 22, 2014, which is available at *http://www.ntsb.gov,* filename A–14–032–036.pdf, describes these events.

On July 12, 2013, an event involving a non-rechargeable lithium battery in an emergency locator transmitter installation demonstrated unanticipated failure modes. The United Kingdom's Air Accidents Investigation Branch Bulletin S5/2013 describes this event.

Some known uses of rechargeable and non-rechargeable lithium batteries on airplanes include:

- Flight deck and avionics systems such as displays, global positioning systems, cockpit voice recorders, flight data recorders, underwater locator beacons, navigation computers, integrated avionics computers, satellite network and communication systems, communication management units, and remote-monitor electronic line-replaceable units;
- Cabin safety, entertainment, and communications equipment, including emergency locator transmitters, life rafts, escape slides, seatbelt air bags, cabin management systems, Ethernet switches, routers and media servers, wireless systems, internet and in-flight entertainment systems, satellite televisions, remotes, and handsets;
- Systems in cargo areas including door controls, sensors, video

surveillance equipment, and security systems.

Some known potential hazards and failure modes associated with non-rechargeable lithium batteries are:

- *Internal failures:* In general, these batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion.
- *Fast or imbalanced discharging:* Fast discharging or an imbalanced discharge of one cell of a multi-cell battery may create an overheating condition that results in an uncontrollable venting condition, which in turn leads to a thermal event or an explosion.
- *Flammability:* Unlike nickel-cadmium and lead-acid batteries, lithium batteries use higher energy and current in an electrochemical system that can be configured to maximize energy storage of lithium. They also use liquid electrolytes that can be extremely flammable. The electrolyte, as well as the electrodes, can serve as a source of fuel for an external fire if the battery casing is breached.

Special condition no. 1 of these special conditions requires that each individual cell within a non-rechargeable lithium battery be designed to maintain safe temperatures and pressures. Special condition no. 2 addresses these same issues but for the entire battery. Special condition no. 2 requires the battery be designed to prevent propagation of a thermal event, such as self-sustained, uncontrollable increases in temperature or pressure from one cell to adjacent cells.

Special conditions nos. 1 and 2 are intended to ensure that the non-rechargeable lithium battery and its cells are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the battery designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special conditions 3, 7, and 8 are self-explanatory.

Special condition no. 4 makes it clear that the flammable fluid fire protection requirements of § 25.863 apply to non-rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Non-rechargeable lithium batteries contain an electrolyte that is a flammable fluid.

Special condition no. 5 requires that each non-rechargeable lithium battery installation not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

While special condition no. 5 addresses corrosive fluids and gases, special condition no. 6 addresses heat. Special condition no. 6 requires that each non-rechargeable lithium battery installation have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat the battery installation can generate due to any failure of it or its individual cells. The means of meeting special conditions nos. 5 and 6 may be the same, but the requirements are independent and address different hazards.

These special conditions apply to all non-rechargeable lithium battery installations in lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations remain in effect for other battery installations.

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

Applicability

These special conditions are applicable to the DHC–8–400 series airplanes. Should Bombardier apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

These special conditions are only applicable to design changes applied for after the effective date.

These special conditions are not applicable to changes to previously certified non-rechargeable lithium battery installations where the only change is either cosmetic or to relocate the installation to improve the safety of the airplane and occupants. Previously certified non-rechargeable lithium battery installations, as used in this paragraph, are those installations approved for certification projects applied for on or before the effective date of these special conditions. A cosmetic change is a change in appearance only, and does not change any function or safety characteristic of the battery installation. These special conditions are also not applicable to unchanged, previously certified non-rechargeable lithium battery installations that are affected by a change in a manner that improves the safety of its installation. The FAA determined that these exclusions are in the public interest because the need to meet all of the special conditions might otherwise deter these design changes that improve safety.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

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

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and record keeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Bombardier Model DHC–8–400 series airplanes.

Non-Rechargeable Lithium Battery Installations

In lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments, each non-rechargeable lithium battery installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.

2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure.

3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in

hazardous quantities within the airplane.

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.

8. Have a means for the flightcrew or maintenance personnel to determine the battery charge state if the battery's function is required for safe operation of the airplane.

Note: A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a ''battery'' and ''battery system'' are referred to as a battery.

Issued in Renton, Washington, on April 24, 2017.

Michael Kaszycki,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–08690 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–0366; Special Conditions No. 25–662–SC]

Special Conditions: Gulfstream Aerospace Corporation, Model GVII–G500 Airplane; Non-Rechargeable Lithium Battery Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comment.

SUMMARY: These special conditions are issued for non-rechargeable lithium battery installations on the Gulfstream Aerospace Corporation (Gulfstream) Model GVII–G500 airplane. Non-rechargeable lithium batteries are a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Gulfstream Aerospace Corporation on May 1, 2017. We must receive your comments by June 15, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0366 using any of the following methods:

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

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

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057–3356; telephone 425–227–2432; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Future Requests for Installation of Non-Rechargeable Lithium Batteries

The FAA anticipates that non-rechargeable lithium batteries will be installed in most makes and models of transport category airplanes. We intend to require special conditions for certification projects involving non-rechargeable lithium battery installations to address certain safety issues until we can revise the airworthiness requirements. Applying special conditions to these installations across the range of transport category airplanes will ensure regulatory consistency.

Typically, the FAA issues special conditions after receiving an application for type certificate approval of a novel or unusual design feature. However, the FAA has found that the presence of non-rechargeable lithium batteries in certification projects is not always immediately identifiable, since the battery itself may not be the focus of the project. Meanwhile, the inclusion of these batteries has become virtually ubiquitous on in-production transport category airplanes, which shows that there will be a need for these special conditions. Also, delaying the issuance of special conditions until after each design application is received could lead to costly certification delays. Therefore the FAA finds it necessary to issue special conditions applicable to these battery installations on particular makes and models of aircraft.

On April 22, 2016, the FAA published special conditions no. 25–612–SC in the **Federal Register** (81 FR 23573) applicable to Gulfstream Aerospace Corporation for the GVI airplane. Those were the first special conditions the FAA issued for non-rechargeable lithium battery installations. We explained in that document our decision to make those special conditions effective one year after publication in the **Federal Register**, which is April 22, 2017. In those special conditions, the FAA stated its intention to apply non-rechargeable lithium battery special conditions to design changes on other makes and models applied for after this same date.

Section 1205 of the FAA Reauthorization Act of 1996 requires the FAA to consider the extent to which Alaska is not served by transportation modes other than aviation and to establish appropriate regulatory distinctions when modifying airworthiness regulations that affect intrastate aviation in Alaska. In

consideration of this requirement and the overall impact on safety, the FAA does not intend to require non-rechargeable lithium battery special conditions for design changes that only replace a 121.5 megahertz (MHz) emergency locator transmitter (ELT) with a 406 MHz ELT that meets Technical Standard Order C126b, or later revision, on transport airplanes operating only in Alaska. This will support our efforts of encouraging operators in Alaska to upgrade to a 406 MHz ELT. These ELTs provide significantly improved accuracy for lifesaving services to locate an accident site in Alaskan terrain. The FAA considers that the safety benefits from upgrading to a 406 MHz ELT for Alaskan operations will outweigh the battery fire risk.

Comments Invited

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

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

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

Background

On March 29, 2012, Gulfstream applied for a type certificate for a new Model GVII–G500 airplane. The GVII–G500 is a twin engine, transport category airplane with a passenger seating capacity of 19 and a maximum certificated takeoff weight of 76,850 pounds.

The FAA is issuing these special conditions for non-rechargeable lithium battery installations on the GVII–G500 airplane. The current battery requirements in title 14, Code of Federal Regulations (14 CFR) part 25 are inadequate for addressing an airplane with non-rechargeable lithium batteries.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Gulfstream must show that the GVII–G500 airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–137.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the GVII–G500 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the Model GVII–G500 airplane must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17.

Novel or Unusual Design Feature

The novel or unusual design feature is the installation of non-rechargeable lithium batteries.

For the purpose of these special conditions, we refer to a battery and battery system as a battery. A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging.

Discussion

The FAA derived the current regulations governing installation of batteries in transport category airplanes from Civil Air Regulations (CAR) 4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February 1965. This recodification basically reworded the CAR 4b battery requirements, which are currently in § 25.1353(b)(1) through (4). Non-rechargeable lithium batteries are novel and unusual with respect to the state of technology considered when these requirements were codified. These batteries introduce higher energy levels into airplane systems through new chemical compositions in various battery cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Recent events involving rechargeable and non-rechargeable lithium batteries prompted the FAA to initiate a broad evaluation of these energy storage technologies. In January 2013, two independent events involving rechargeable lithium-ion batteries revealed unanticipated failure modes. A National Transportation Safety Board (NTSB) letter to the FAA, dated May 22, 2014, which is available at *http://www.ntsb.gov,* filename A–14–032–036.pdf, describes these events.

On July 12, 2013, an event involving a non-rechargeable lithium battery in an emergency locator transmitter installation demonstrated unanticipated failure modes. The United Kingdom's Air Accidents Investigation Branch Bulletin S5/2013 describes this event.

Some known uses of rechargeable and non-rechargeable lithium batteries on airplanes include:

- Flight deck and avionics systems such as displays, global positioning systems, cockpit voice recorders, flight data recorders, underwater locator beacons, navigation computers, integrated avionics computers, satellite network and communication systems, communication management units, and remote-monitor electronic line-replaceable units;
- Cabin safety, entertainment, and communications equipment, including emergency locator transmitters, life rafts, escape slides, seatbelt air bags, cabin management systems, Ethernet switches, routers and media servers, wireless systems, internet and in-flight entertainment systems, satellite televisions, remotes, and handsets;
- Systems in cargo areas including door controls, sensors, video surveillance equipment, and security systems.

Some known potential hazards and failure modes associated with non-rechargeable lithium batteries are:

- *Internal failures:* In general, these batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. The metallic

lithium can ignite, resulting in a self-sustaining fire or explosion.

• *Fast or imbalanced discharging:* Fast discharging or an imbalanced discharge of one cell of a multi-cell battery may create an overheating condition that results in an uncontrollable venting condition, which in turn leads to a thermal event or an explosion.

• *Flammability:* Unlike nickel-cadmium and lead-acid batteries, lithium batteries use higher energy and current in an electrochemical system that can be configured to maximize energy storage of lithium. They also use liquid electrolytes that can be extremely flammable. The electrolyte, as well as the electrodes, can serve as a source of fuel for an external fire if the battery casing is breached.

Special condition no. 1 of these special conditions requires that each individual cell within a non-rechargeable lithium battery be designed to maintain safe temperatures and pressures. Special condition no. 2 addresses these same issues but for the entire battery. Special condition no. 2 requires the battery be designed to prevent propagation of a thermal event, such as self-sustained, uncontrollable increases in temperature or pressure from one cell to adjacent cells.

Special conditions nos. 1 and 2 are intended to ensure that the non-rechargeable lithium battery and its cells are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the battery designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special conditions 3, 7, and 8 are self-explanatory.

Special condition no. 4 makes it clear that the flammable fluid fire protection requirements of § 25.863 apply to non-rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Non-rechargeable lithium batteries contain an electrolyte that is a flammable fluid.

Special condition no. 5 requires that each non-rechargeable lithium battery installation not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

While special condition no. 5 addresses corrosive fluids and gases, special condition no. 6 addresses heat. Special condition no. 6 requires that each non-rechargeable lithium battery installation have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat the battery installation can generate due to any failure of it or its individual cells. The means of meeting special conditions nos. 5 and 6 may be the same, but the requirements are independent and address different hazards.

These special conditions apply to all non-rechargeable lithium battery installations in lieu of § 25.1353(b)(1) through (4) at Amendment 25–123. Sections 25.1353(b)(1) through (4) at Amendment 25–123 remain in effect for other battery installations.

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

Applicability

These special conditions are applicable to the GVII–G500 airplane. Should Gulfstream apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

These special conditions are only applicable to design changes applied for after the effective date.

These special conditions are not applicable to changes to previously certified non-rechargeable lithium battery installations where the only change is either cosmetic or to relocate the installation to improve the safety of the airplane and occupants. Previously certified non-rechargeable lithium battery installations, as used in this paragraph, are those installations approved for certification projects applied for on or before the effective date of these special conditions. A cosmetic change is a change in appearance only, and does not change any function or safety characteristic of the battery installation. These special conditions are also not applicable to unchanged, previously certified non-rechargeable lithium battery installations that are affected by a change in a manner that improves the safety of its installation. The FAA determined that these exclusions are in the public interest because the need to meet all of the special conditions might otherwise deter these design changes that improve safety.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

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

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and record keeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Gulfstream Model GVII–G500 airplane.

Non-Rechargeable Lithium Battery Installations

In lieu of § 25.1353(b)(1) through (4) at Amendment 25–123, each non-rechargeable lithium battery installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.

2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure.

3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.

8. Have a means for the flightcrew or maintenance personnel to determine the battery charge state if the battery's function is required for safe operation of the airplane.

Note: A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a ''battery'' and ''battery system'' are referred to as a battery.

Issued in Renton, Washington, on April 24, 2017.

Michael Kaszycki,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–08692 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–0359; Special Conditions No. 25–657–SC]

Special Conditions: Bombardier Aerospace Inc., Model BD–500–1A10 Airplane; Non-Rechargeable Lithium Battery Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comment.

SUMMARY: These special conditions are issued for non-rechargeable lithium battery installations on the Bombardier Aerospace Inc. (Bombardier) Model BD–500–1A10 airplane. Non-rechargeable lithium batteries are a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Bombardier on May 1, 2017. We must receive your comments by June 15, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0359 using any of the following methods:

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

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

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2432; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Future Requests for Installation of Non-Rechargeable Lithium Batteries

The FAA anticipates that non-rechargeable lithium batteries will be installed in most makes and models of transport category airplanes. We intend to require special conditions for certification projects involving non-rechargeable lithium battery installations to address certain safety issues until we can revise the airworthiness requirements. Applying special conditions to these installations across the range of transport category airplanes will ensure regulatory consistency.

Typically, the FAA issues special conditions after receiving an application for type certificate approval of a novel or unusual design feature. However, the FAA has found that the presence of non-rechargeable lithium batteries in certification projects is not always immediately identifiable, since the battery itself may not be the focus of the project. Meanwhile, the inclusion of these batteries has become virtually ubiquitous on in-production transport category airplanes, which shows that there will be a need for these special conditions. Also, delaying the issuance of special conditions until after each design application is received could lead to costly certification delays. Therefore the FAA finds it necessary to issue special conditions applicable to these battery installations on particular makes and models of aircraft.

On April 22, 2016, the FAA published special conditions no. 25–612–SC in the **Federal Register** (81 FR 23573) applicable to Gulfstream Aerospace Corporation for the GVI airplane. Those were the first special conditions the FAA issued for non-rechargeable lithium battery installations. We explained in that document our decision to make those special conditions effective one year after publication in the **Federal Register**, which is April 22, 2017. In those special conditions, the FAA stated its intention to apply non-rechargeable lithium battery special conditions to design changes on other makes and models applied for after this same date.

Section 1205 of the FAA Reauthorization Act of 1996 requires the FAA to consider the extent to which Alaska is not served by transportation modes other than aviation and to establish appropriate regulatory distinctions when modifying airworthiness regulations that affect intrastate aviation in Alaska. In consideration of this requirement and the overall impact on safety, the FAA does not intend to require non-rechargeable lithium battery special conditions for design changes that only replace a 121.5 megahertz (MHz) emergency locator transmitter (ELT) with a 406 MHz ELT that meets Technical Standard Order C126b, or later revision, on transport airplanes operating only in Alaska. This will support our efforts of encouraging operators in Alaska to upgrade to a 406 MHz ELT. These ELTs provide significantly improved accuracy for lifesaving services to locate an accident

site in Alaskan terrain. The FAA considers that the safety benefits from upgrading to a 406 MHz ELT for Alaskan operations will outweigh the battery fire risk.

Comments Invited

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

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

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

Background

Bombardier holds type certificate no. T00008NY, which provides the certification basis for the BD–500–1A10 airplane. The BD–500–1A10 is a twin engine, transport category airplane with a passenger seating capacity of 127 and a maximum takeoff weight of 134,000 pounds.

The FAA is issuing these special conditions for non-rechargeable lithium battery installations on the BD–500–1A10 airplane. The current battery requirements in title 14, Code of Federal Regulations (14 CFR) part 25 are inadequate for addressing an airplane with non-rechargeable lithium batteries.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Bombardier must show that the BD–500–1A10 airplane meets the applicable provisions of the regulations listed in type certificate no. T00008NY or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. In addition, the certification basis includes certain special conditions, exemptions, or later amended sections that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the BD–500–1A10 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the BD–500–1A10 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Feature

The novel or unusual design feature is the installation of non-rechargeable lithium batteries.

For the purpose of these special conditions, we refer to a battery and battery system as a battery. A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging.

Discussion

The FAA derived the current regulations governing installation of batteries in transport category airplanes from Civil Air Regulations (CAR) 4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February 1965. This recodification basically reworded the CAR 4b battery requirements, which are currently in § 25.1353(b)(1) through (4). Non-rechargeable lithium batteries are novel and unusual with respect to the state of technology considered when these requirements were codified. These batteries introduce higher energy levels into airplane systems through new chemical compositions in various battery cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Recent events involving rechargeable and non-rechargeable lithium batteries prompted the FAA to initiate a broad evaluation of these energy storage technologies. In January 2013, two independent events involving rechargeable lithium-ion batteries revealed unanticipated failure modes. A National Transportation Safety Board (NTSB) letter to the FAA, dated May 22, 2014, which is available at *http://www.ntsb.gov,* filename A–14–032–036.pdf, describes these events.

On July 12, 2013, an event involving a non-rechargeable lithium battery in an emergency locator transmitter installation demonstrated unanticipated failure modes. The United Kingdom's Air Accidents Investigation Branch Bulletin S5/2013 describes this event.

Some known uses of rechargeable and non-rechargeable lithium batteries on airplanes include:

- Flight deck and avionics systems such as displays, global positioning systems, cockpit voice recorders, flight data recorders, underwater locator beacons, navigation computers, integrated avionics computers, satellite network and communication systems, communication management units, and remote-monitor electronic line-replaceable units;
- Cabin safety, entertainment, and communications equipment, including emergency locator transmitters, life rafts, escape slides, seatbelt air bags, cabin management systems, Ethernet switches, routers and media servers, wireless systems, internet and in-flight entertainment systems, satellite televisions, remotes, and handsets;
- Systems in cargo areas including door controls, sensors, video surveillance equipment, and security systems.

Some known potential hazards and failure modes associated with non-rechargeable lithium batteries are:

- *Internal failures:* In general, these batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion.
- *Fast or imbalanced discharging:* Fast discharging or an imbalanced discharge of one cell of a multi-cell battery may create an overheating condition that results in an uncontrollable venting condition, which

in turn leads to a thermal event or an explosion.

• *Flammability:* Unlike nickel-cadmium and lead-acid batteries, lithium batteries use higher energy and current in an electrochemical system that can be configured to maximize energy storage of lithium. They also use liquid electrolytes that can be extremely flammable. The electrolyte, as well as the electrodes, can serve as a source of fuel for an external fire if the battery casing is breached.

Special condition no. 1 of these special conditions requires that each individual cell within a non-rechargeable lithium battery be designed to maintain safe temperatures and pressures. Special condition no. 2 addresses these same issues but for the entire battery. Special condition no. 2 requires the battery be designed to prevent propagation of a thermal event, such as self-sustained, uncontrollable increases in temperature or pressure from one cell to adjacent cells.

Special conditions nos. 1 and 2 are intended to ensure that the non-rechargeable lithium battery and its cells are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the battery designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special conditions 3, 7, and 8 are self-explanatory.

Special condition no. 4 makes it clear that the flammable fluid fire protection requirements of § 25.863 apply to non-rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Non-rechargeable lithium batteries contain an electrolyte that is a flammable fluid.

Special condition no. 5 requires that each non-rechargeable lithium battery installation not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

While special condition no. 5 addresses corrosive fluids and gases, special condition no. 6 addresses heat. Special condition no. 6 requires that each non-rechargeable lithium battery installation have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat the battery installation can generate due to any failure of it or its individual cells. The means of meeting special conditions nos. 5 and 6 may be the same, but the requirements are independent and address different hazards.

These special conditions apply to all non-rechargeable lithium battery installations in lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations remain in effect for other battery installations.

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

Applicability

These special conditions are applicable to the BD–500–1A10 airplane. Should Bombardier apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

These special conditions are only applicable to design changes applied for after the effective date.

These special conditions are not applicable to changes to previously certified non-rechargeable lithium battery installations where the only change is either cosmetic or to relocate the installation to improve the safety of the airplane and occupants. Previously certified non-rechargeable lithium battery installations, as used in this paragraph, are those installations approved for certification projects applied for on or before the effective date of these special conditions. A cosmetic change is a change in appearance only, and does not change any function or safety characteristic of the battery installation. These special conditions are also not applicable to unchanged, previously certified non-rechargeable lithium battery installations that are affected by a change in a manner that improves the safety of its installation. The FAA determined that these exclusions are in the public interest because the need to meet all of the special conditions might otherwise deter these design changes that improve safety.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

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

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and record keeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Bombardier Model BD–500–1A10 airplane.

Non-Rechargeable Lithium Battery Installations

In lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments, each non-rechargeable lithium battery installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.

2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure.

3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.

8. Have a means for the flightcrew or maintenance personnel to determine the battery charge state if the battery's

function is required for safe operation of the airplane.

Note: A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a ''battery'' and ''battery system'' are referred to as a battery.

Issued in Renton, Washington, on April 24, 2017.

Michael Kaszycki,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–08688 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–0360; Special Conditions No. 25–658–SC]

Special Conditions: Bombardier Aerospace Inc., Model BD–700–1A11 Airplane; Non-Rechargeable Lithium Battery Installations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comment.

SUMMARY: These special conditions are issued for non-rechargeable lithium battery installations on the Bombardier Aerospace Inc. (Bombardier) Model BD–700–1A11 airplane. Non-rechargeable lithium batteries are a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Bombardier on May 1, 2017. We must receive your comments by June 15, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0360 using any of the following methods:

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

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

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nazih Khaouly, Airplane and Flight Crew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone 425–227–2432; facsimile 425–227–1149.

SUPPLEMENTARY INFORMATION:

Future Requests for Installation of Non-Rechargeable Lithium Batteries

The FAA anticipates that non-rechargeable lithium batteries will be installed in most makes and models of transport category airplanes. We intend to require special conditions for certification projects involving non-rechargeable lithium battery installations to address certain safety issues until we can revise the airworthiness requirements. Applying special conditions to these installations across the range of transport category airplanes will ensure regulatory consistency.

Typically, the FAA issues special conditions after receiving an application for type certificate approval of a novel or unusual design feature. However, the FAA has found that the presence of non-rechargeable lithium batteries in certification projects is not always immediately identifiable, since the battery itself may not be the focus of the project. Meanwhile, the inclusion of these batteries has become virtually ubiquitous on in-production transport category airplanes, which shows that there will be a need for these special conditions. Also, delaying the issuance of special conditions until after each design application is received could lead to costly certification delays. Therefore the FAA finds it necessary to issue special conditions applicable to these battery installations on particular makes and models of aircraft.

On April 22, 2016, the FAA published special conditions no. 25–612–SC in the **Federal Register** (81 FR 23573) applicable to Gulfstream Aerospace Corporation for the GVI airplane. Those were the first special conditions the FAA issued for non-rechargeable lithium battery installations. We explained in that document our decision to make those special conditions effective one year after publication in the **Federal Register**, which is April 22, 2017. In those special conditions, the FAA stated its intention to apply non-rechargeable lithium battery special conditions to design changes on other makes and models applied for after this same date.

Section 1205 of the FAA Reauthorization Act of 1996 requires the FAA to consider the extent to which Alaska is not served by transportation modes other than aviation and to establish appropriate regulatory distinctions when modifying airworthiness regulations that affect intrastate aviation in Alaska. In consideration of this requirement and the overall impact on safety, the FAA does not intend to require non-rechargeable lithium battery special conditions for design changes that only replace a 121.5 megahertz (MHz) emergency locator transmitter (ELT) with a 406 MHz ELT that meets Technical Standard Order C126b, or later revision, on transport airplanes operating only in Alaska. This will support our efforts of encouraging operators in Alaska to upgrade to a 406 MHz ELT. These ELTs provide significantly improved accuracy for lifesaving services to locate an accident site in Alaskan terrain. The FAA considers that the safety benefits from upgrading to a 406 MHz ELT for Alaskan operations will outweigh the battery fire risk.

Comments Invited

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

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

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

Background

Bombardier holds type certificate no. T00003NY, which provides the certification basis for the BD–700–1A11 airplane. The BD–700–1A11 is a twin engine, transport category airplane with a passenger seating capacity of 19 and a maximum takeoff weight of 87,700 to 92,500 pounds, depending on the specific design.

The FAA is issuing these special conditions for non-rechargeable lithium battery installations on the BD–700–1A11 airplane. The current battery requirements in title 14, Code of Federal Regulations (14 CFR) part 25 are inadequate for addressing an airplane with non-rechargeable lithium batteries.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Bombardier must show that the BD–700–1A11 airplane meets the applicable provisions of the regulations listed in type certificate no. T00003NY or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA. In addition, the certification basis includes certain special conditions, exemptions, or later amended sections that are not relevant to these special conditions.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the BD–700–1A11 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

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

In addition to the applicable airworthiness regulations and special conditions, the BD–700–1A11 must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Feature

The novel or unusual design feature is the installation of non-rechargeable lithium batteries.

For the purpose of these special conditions, we refer to a battery and battery system as a battery. A battery system consists of the battery and any protective, monitoring, and alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging.

Discussion

The FAA derived the current regulations governing installation of batteries in transport category airplanes from Civil Air Regulations (CAR) 4b.625(d) as part of the recodification of CAR 4b that established 14 CFR part 25 in February 1965. This recodification basically reworded the CAR 4b battery requirements, which are currently in § 25.1353(b)(1) through (4). Non-rechargeable lithium batteries are novel and unusual with respect to the state of technology considered when these requirements were codified. These batteries introduce higher energy levels into airplane systems through new chemical compositions in various battery cell sizes and construction. Interconnection of these cells in battery packs introduces failure modes that require unique design considerations, such as provisions for thermal management.

Recent events involving rechargeable and non-rechargeable lithium batteries prompted the FAA to initiate a broad evaluation of these energy storage technologies. In January 2013, two independent events involving rechargeable lithium-ion batteries revealed unanticipated failure modes. A National Transportation Safety Board (NTSB) letter to the FAA, dated May 22, 2014, which is available at *http://www.ntsb.gov,* filename A–14–032–036.pdf, describes these events.

On July 12, 2013, an event involving a non-rechargeable lithium battery in an emergency locator transmitter installation demonstrated unanticipated failure modes. The United Kingdom's Air Accidents Investigation Branch Bulletin S5/2013 describes this event.

Some known uses of rechargeable and non-rechargeable lithium batteries on airplanes include:

- Flight deck and avionics systems such as displays, global positioning systems, cockpit voice recorders, flight data recorders, underwater locator beacons, navigation computers, integrated avionics computers, satellite network and communication systems, communication management units, and remote-monitor electronic line-replaceable units;
- Cabin safety, entertainment, and communications equipment, including emergency locator transmitters, life rafts, escape slides, seatbelt air bags, cabin management systems, Ethernet switches, routers and media servers, wireless systems, internet and in-flight entertainment systems, satellite televisions, remotes, and handsets;
- Systems in cargo areas including door controls, sensors, video surveillance equipment, and security systems.

Some known potential hazards and failure modes associated with non-rechargeable lithium batteries are:

- *Internal failures:* In general, these batteries are significantly more susceptible to internal failures that can result in self-sustaining increases in temperature and pressure (*i.e.,* thermal runaway) than their nickel-cadmium or lead-acid counterparts. The metallic lithium can ignite, resulting in a self-sustaining fire or explosion.
- *Fast or imbalanced discharging:* Fast discharging or an imbalanced discharge of one cell of a multi-cell battery may create an overheating condition that results in an uncontrollable venting condition, which in turn leads to a thermal event or an explosion.
- *Flammability:* Unlike nickel-cadmium and lead-acid batteries, lithium batteries use higher energy and

current in an electrochemical system that can be configured to maximize energy storage of lithium. They also use liquid electrolytes that can be extremely flammable. The electrolyte, as well as the electrodes, can serve as a source of fuel for an external fire if the battery casing is breached.

Special condition no. 1 of these special conditions requires that each individual cell within a non-rechargeable lithium battery be designed to maintain safe temperatures and pressures. Special condition no. 2 addresses these same issues but for the entire battery. Special condition no. 2 requires the battery be designed to prevent propagation of a thermal event, such as self-sustained, uncontrollable increases in temperature or pressure from one cell to adjacent cells.

Special conditions nos. 1 and 2 are intended to ensure that the non-rechargeable lithium battery and its cells are designed to eliminate the potential for uncontrollable failures. However, a certain number of failures will occur due to various factors beyond the control of the battery designer. Therefore, other special conditions are intended to protect the airplane and its occupants if failure occurs.

Special conditions 3, 7, and 8 are self-explanatory.

Special condition no. 4 makes it clear that the flammable fluid fire protection requirements of § 25.863 apply to non-rechargeable lithium battery installations. Section 25.863 is applicable to areas of the airplane that could be exposed to flammable fluid leakage from airplane systems. Non-rechargeable lithium batteries contain an electrolyte that is a flammable fluid.

Special condition no. 5 requires that each non-rechargeable lithium battery installation not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

While special condition no. 5 addresses corrosive fluids and gases, special condition no. 6 addresses heat. Special condition no. 6 requires that each non-rechargeable lithium battery installation have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat the battery installation can generate due to any failure of it or its individual cells. The means of meeting special conditions nos. 5 and 6 may be the same, but the requirements are independent and address different hazards.

These special conditions apply to all non-rechargeable lithium battery installations in lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments. Those regulations remain in effect for other battery installations.

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

Applicability

These special conditions are applicable to the BD–700–1A11 airplane. Should Bombardier apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

These special conditions are only applicable to design changes applied for after the effective date.

These special conditions are not applicable to changes to previously certified non-rechargeable lithium battery installations where the only change is either cosmetic or to relocate the installation to improve the safety of the airplane and occupants. Previously certified non-rechargeable lithium battery installations, as used in this paragraph, are those installations approved for certification projects applied for on or before the effective date of these special conditions. A cosmetic change is a change in appearance only, and does not change any function or safety characteristic of the battery installation. These special conditions are also not applicable to unchanged, previously certified non-rechargeable lithium battery installations that are affected by a change in a manner that improves the safety of its installation. The FAA determined that these exclusions are in the public interest because the need to meet all of the special conditions might otherwise deter these design changes that improve safety.

Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability.

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

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and record keeping requirements.

The authority citation for these special conditions is as follows:

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

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for the Bombardier Model BD–700–1A11 airplane.

Non-Rechargeable Lithium Battery Installations

In lieu of § 25.1353(b)(1) through (4) at Amendment 25–123 or § 25.1353(c)(1) through (4) at earlier amendments, each non-rechargeable lithium battery installation must:

1. Be designed to maintain safe cell temperatures and pressures under all foreseeable operating conditions to prevent fire and explosion.

2. Be designed to prevent the occurrence of self-sustaining, uncontrollable increases in temperature or pressure.

3. Not emit explosive or toxic gases, either in normal operation or as a result of its failure, that may accumulate in hazardous quantities within the airplane.

4. Meet the requirements of § 25.863.

5. Not damage surrounding structure or adjacent systems, equipment, or electrical wiring from corrosive fluids or gases that may escape in such a way as to cause a major or more severe failure condition.

6. Have provisions to prevent any hazardous effect on airplane structure or systems caused by the maximum amount of heat it can generate due to any failure of it or its individual cells.

7. Have a failure sensing and warning system to alert the flightcrew if its failure affects safe operation of the airplane.

8. Have a means for the flightcrew or maintenance personnel to determine the battery charge state if the battery's function is required for safe operation of the airplane.

Note: A battery system consists of the battery and any protective, monitoring, and

alerting circuitry or hardware inside or outside of the battery. It also includes vents (where necessary) and packaging. For the purpose of these special conditions, a ''battery'' and ''battery system'' are referred to as a battery.

Issued in Renton, Washington, on April 24, 2017.

Michael Kaszycki,

Assistant Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–08689 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9151; Airspace Docket No. 16–ASW–15]

Revocation of Class E Airspace and Establishment of Class E Airspace; Ruston, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes Class E airspace extending upward from 700 feet above the surface at Ruston Municipal Airport, Ruston, LA, as the airport has closed and controlled airspace is no longer required, and establishes Class E airspace extending upward from 700 feet above the surface at the new Ruston Regional Airport, Ruston, LA. This final rule is necessary to ensure the safety and management of instrument flight rules (IFR) operations at the new airport.

DATES: Effective 0901 UTC, August 17, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

History

On October 12, 2016, the FAA published in the **Federal Register** (81 FR 70372) Docket No. FAA–2016–9151, a notice of proposed rulemaking (NPRM) to remove Class E airspace extending upward from 700 feet above the surface at Ruston Municipal Airport, Ruston, LA. The FAA also proposed to establish Class E airspace extending upward from 700 feet above the surface within a 6.5 mile radius of the new Ruston Regional Airport, Ruston, LA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received stating, ''This would open up airspace because there would not be controlled airspace as the airport has shut down.'' While this comment is factually correct, the new airport and associated airspace has been established approximately 2.5 NM from the location of the closed airport so the change in the airspace footprint is minimal.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 removes Class E airspace at Ruston Municipal Airport, Ruston, LA, as the airport has closed; therefore, controlled airspace is no longer needed. Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the new Ruston Regional Airport, Ruston, LA is established for the safety and management of standard instrument approach procedures for IFR operations at the new airport.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and

no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW LA E5 Ruston, LA [Removed]

* * * * *

ASW LA E5 Ruston, LA [New]

Ruston Regional Airport, LA
(Lat. 32°30′53″ N., long. 92°35′18″ W.)

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

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

Walter Tweedy,

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

[FR Doc. 2017–08749 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0231]

Drawbridge Operation Regulation; Hutchinson River, New York, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Hutchinson River Parkway Bridge across the Hutchinson River, mile 0.9 at New York, New York. This deviation is necessary to complete application of protective coating on the bridge as well as maintenance of operating machinery.

DATES: This deviation is effective without actual notice from May 1, 2017 through 12:01 a.m. on September 29, 2017. For the purposes of enforcement, actual notice will be used from 12:01 a.m. on April 3, 2017 until May 1, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0231 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 James M. Moore, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212–514–4334, email *james.m.moore2@uscg.mil.*

SUPPLEMENTARY INFORMATION: The New York City Department of Transportation, the owner of the bridge, requested a temporary deviation from the normal operating schedule to facilitate application of protective coating to the bridge as well as maintenance of operating machinery. The Hutchinson River Parkway Bridge, across the Hutchinson River, mile 0.9 at New York, New York has a vertical clearance of 30 feet at mean high water and 38 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.793(b).

Under this temporary deviation, between April 3, 2017 and September 29, 2017 the draw of the Hutchinson River Parkway Bridge will be closed to navigation for a period not to exceed 7 days; the draw will then open for vessels in accordance with established operating regulations for a period not to exceed another 7 days, after which the cycle will repeat.

Vessels that can pass under the bridge without an opening may do so at all times. The bridge will not be able to open for emergencies. There is no alternate route for vessels to pass.

The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: April 25, 2017.

C.J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2017–08680 Filed 4–28–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2017–0024; A–1–FRL–9961–42–Region 1]

Air Plan Approval; ME; Emission Statement Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Maine. The revision updates Maine's emissions reporting requirements for certain stationary sources that emit criteria pollutants. The intended effect of this action is to approve the revision into the Maine SIP. This action is being taken under the Clean Air Act (CAA).

DATES: This direct final rule is effective June 30, 2017, unless EPA receives adverse comments by May 31, 2017. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2017–0024 at *http://www.regulations.gov,* or via email to *Mackintosh.David@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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: David L. Mackintosh, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912, tel. 617–918–1584, fax 617–918–0668, email *Mackintosh.David@epa.gov.*

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

The following outline is provided to aid in locating information in this preamble.

I. What action is EPA taking?
II. What is the background for this action?
III. What is included in the submittal?
IV. EPA's Evaluation of the Submittal
V. Final Action
VI. Incorporation by Reference
VII. Statutory and Executive Order Reviews

I. What action is EPA taking?

EPA is approving a SIP revision submitted by the State of Maine on November 26, 2008, concerning updates to emission statement requirements for certain stationary sources that emit criteria pollutants. The Maine requirements, set out in Chapter 137 Emission Statements, were revised to be consistent with EPA's Air Emissions Reporting Requirements (AERR) at 40 CFR part 51, subpart A.

II. What is the background for this action?

Sections 182(a)(3)(B) and 184(b)(2) of the CAA require that states develop and submit, as SIP revisions, rules which establish annual reporting requirements from certain stationary sources. EPA proposed updates to AERR on January 3, 2006 (71 FR 69) and then finalized the rule on December 17, 2008 (73 FR 76539). On November 26, 2008, Maine submitted a formal revision to its State Implementation Plan (SIP), which consists of updates to Maine's Chapter 137 Emission Statements rule. On January 23, 2017, Maine withdrew from the submittal certain sections of Chapter 137. EPA last approved Maine's Chapter 137 Emission Statements on November 21, 2007 (72 FR 65462).

III. What is included in the submittal?

Maine's November 26, 2008 SIP submittal includes Chapter 137 Emission Statements, effective in Maine on November 8, 2008, less the portions Maine withdrew from the submittal on January 23, 2017. The withdrawn sections no longer pending before EPA address non-criteria pollutant (*i.e.,* greenhouse gas and hazardous air pollutant (HAP)) reporting requirements. Specifically, the following sections of Chapter 137 were withdrawn from the submittal: Sections 1(C), (E), and (F); Definitions 2(A) through (F) and (I); Sections 3(B) and (C); the last sentence of Section 4(D)(5), and all of Appendices A and B.

IV. EPA's Evaluation of the Submittal

Maine's Chapter 137 Emission Statements has been revised to incorporate changes to be consistent with the AERR. The revised rule adds a definition for the term ''Process Unit,'' which is defined as ''any combination of equipment or operation and material or fuel which emits pollutants.'' The revised rule also includes an earlier emissions statement filing deadline. The deadline which was previously September 1 of the year following the inventory, was changed to July 1, 2009 for the 2008 inventory and then later changed to May 15 of the year following the inventory year beginning with inventory year 2009. The revisions also specify additional information to be submitted in the inventory statements:

1. Technical contact name, telephone number and email;
2. Latitude and longitude method accuracy description code used to define the accuracy of the geographic data;
3. Emissions control status indicating whether reported emissions are controlled or uncontrolled;
4. Unit type code indicating the type of emissions unit (*e.g.,* boiler, turbine, etc.);
5. Unit operating status code indicating the operating status of the emissions unit (*e.g.* operating, permanently shut down, etc.);
6. Unit operating status date indicating the year in which the unit status is applicable; and
7. Emission release point type indicating the physical configuration of the release point (*e.g.,* stack, fugitive, etc.).

Maine's revised Chapter 137 includes additional reporting requirements and requires information to be submitted earlier than the SIP-approved version of the regulation and is consistent with the AERR. Thus, the revised Chapter 137 Emission Statements satisfies the anti-back sliding requirements in Section 110(l) of the CAA and we are approving Maine's revised rule into the Maine SIP.

V. Final Action

EPA is approving, and incorporating into the Maine SIP, revised Chapter 137 Emission Statements, with the exception of portions of Chapter 137 that were withdrawn from Maine's submittal: Sections 1(C), (E), and (F); Definitions 2(A) through (F) and (I); Sections 3(B) and (C); the last sentence of Section 4(D)(5); and Appendix A and B.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective June 30, 2017 without further notice unless the Agency receives relevant adverse comments by May 31, 2017.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. All parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 30, 2017 and no further action will be taken on the proposed rule. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the State of Maine regulation described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will

continue to make, these materials generally available through *www.regulations.gov,* and/or at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 30, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 16, 2017.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart U—Maine

■ 2. In § 52.1020(c), the table is amended by revising the entry for ''Chapter 137'' to read as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED MAINE REGULATIONS

State citation	Title/subject	State effective date	EPA approval date EPA approval date and citation [1]	Explanations
*	*	*	* *	* *
Chapter 137	Emission Statements ..	11/08/2008	05/01/2017 [Insert **Federal Register** citation].	The entire chapter is approved with the exception of HAP and greenhouse gas reporting requirements which were withdrawn from the State's SIP revision: Sections 1(C), (E), and (F); Definitions 2(A) through (F) and (I); Sections 3(B) and (C); the last sentence of Section 4(D)(5); and Appendix A and B.
*	*	*	* *	* *

[1] In order to determine the EPA effective date for a specific provision listed in this table, consult the **Federal Register** notice cited in this column for the particular provision.

* * * * *

[FR Doc. 2017–08648 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2016–0615; FRL–9961–48–Region 4]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the State of Tennessee's November 21, 2016, revision to its State Implementation Plan (SIP), submitted through the Tennessee Department of Environment and Conservation (TDEC), in support of the State's request that EPA change the federal Reid Vapor Pressure (RVP) requirements for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties (hereinafter referred to as the ''Middle Tennessee Area'' or ''Area''). Tennessee's November 21, 2016, SIP submittal revises its maintenance plan for the Middle Tennessee Area for the 1997 8-hour ozone national ambient air quality standard (NAAQS) and demonstrates that relaxing the federal RVP requirements in this Area would not interfere with the Area's ability to meet the requirements of the Clean Air Act (CAA or Act). Specifically, Tennessee's SIP revision 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 the Area would not interfere with attainment or maintenance of the NAAQS or with any other CAA requirement. EPA has determined that Tennessee's November 21, 2016, SIP revision is consistent with the applicable provisions of the CAA.

DATES: This rule is effective May 1, 2017.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2016–0615. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information may not be publicly available, *i.e.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding federal holidays.

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

SUPPLEMENTARY INFORMATION:

I. What is the background for this final action?

On November 21, 2016, Tennessee submitted a SIP revision consisting of a revision to its 110(a)(1) maintenance plan for the 1997 8-hour ozone NAAQS for the Middle Tennessee Area and the technical noninterference demonstration supporting the State's request to change the federal RVP requirements from 7.8 psi to 9.0 psi in the Area. In a notice of proposed rulemaking (NPR) published on February 24, 2017 (82 FR 11517), EPA proposed to approve the State's noninterference demonstration and the updates to updated emissions inventory and projections associated with the mobile source modeling used in the State's noninterference demonstration related to RVP. The details of Tennessee's submittal and the rationale for EPA's actions are explained in the NPR. EPA did not receive any adverse comments on the proposed action.

II. Final Action

EPA is approving Tennessee's November 21, 2016, SIP revision consisting of a revision to its 110(a)(1) maintenance plan for the 1997 8-hour ozone NAAQS for the Middle Tennessee Area and the technical noninterference demonstration supporting the State's request to change the federal RVP requirements from 7.8 psi to 9.0 psi in the Area. Specifically, EPA is finalizing updated emissions inventory and projections associated with the mobile source modeling used in the State's noninterference demonstration related to RVP. EPA has determined that the change in the RVP requirements for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties will

not interfere with attainment or maintenance of any NAAQS or with any other applicable requirement of the CAA.

EPA has determined that Tennessee's November 21, 2016, RVP-related SIP revision is consistent with the applicable provisions of the CAA for the reasons provided in the NPR. Through this action, EPA is not removing the federal 7.8 psi RVP requirement for Davidson, Rutherford, Sumner, Williamson, and Wilson Counties. Any such action would occur in a separate rulemaking.

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

III. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, October 7, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 30, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

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

Dated: March 31, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart RR—Tennessee

■ 2. Section 52.2220(e) is amended by adding a new entry for ''1997 8-hour ozone maintenance plan update for the Middle Tennessee Area and RVP standard'' at the end of the table to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED TENNESSEE NON-REGULATORY PROVISIONS

Name of non-regulatory SIP provision	Applicable geographic or nonattainment area	State effective date	EPA approval date	Explanation
* *	*	*	* *	*
1997 8-hour ozone maintenance plan update for the Middle Tennessee Area and RVP standard.	Davidson, Rutherford, Sumner, Williamson, and Wilson Counties.	11/21/2016	5/1/2017, [Insert **Federal Register** citation].	

[FR Doc. 2017–08646 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2016–0648; A–1–FRL–9958–37–Region 1]

Air Plan Approval; CT; Approval of Single Source Orders

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving State Implementation Plan (SIP) revisions submitted by the State of Connecticut. The revisions establish reasonably available control technology (RACT) for two facilities that emit volatile organic compounds (VOCs) in the state. Additionally, we are also approving Connecticut's request to withdraw seven previously-approved single source orders from the SIP. This action is being taken in accordance with the Clean Air Act.

DATES: This direct final rule will be effective June 30, 2017, unless EPA receives adverse comments by May 31, 2017. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2016–0648 at *http://www.regulations.gov,* or via email Anne Arnold at: *arnold.anne@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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Bob McConnell, Environmental Engineer, Air Quality Planning Unit, Air Programs Branch (Mail Code OEP05–02), U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts, 02109–3912; (617) 918–1046; *mcconnell.robert@epa.gov.*

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

Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. Background and Purpose
II. Description and Evaluation of VOC RACT Order Submittals
1. Order for Mallace Industries
2. Order for Hamilton Sundstrand
III. Description and Evaluation of VOC RACT Order Withdrawal Requests
1. Withdrawal Request for Pfizer Global Manufacturing
2. Withdrawal Request for Coats North America
3. Withdrawal Request for Uniroyal Chemical Company
4. Withdrawal Request for Watson Laboratories
5. Withdrawal Request for Pratt & Whitney Aircraft
6. Withdrawal Request for Dow Chemical
7. Withdrawal Request for Sikorsky Aircraft
IV. Final Action
V. Incorporation by Reference
VI. Statutory and Executive Order Reviews

I. Background and Purpose

The Clean Air Act (CAA) requires states in the Ozone Transport Region (OTR), as well as moderate and above ozone nonattainment areas, to implement RACT for major sources of volatile organic compounds. Connecticut is in the OTR and the state is currently designated nonattainment and classified as moderate for the 2008 ozone standard. See 40 CFR 81.307.

The Connecticut Department of Energy and Environmental Protection (CT DEEP) submitted to EPA two single source orders establishing RACT for sources of VOCs for incorporation into the Connecticut State Implementation Plan (SIP), and also submitted requests to withdraw from the SIP seven previously-approved orders. The two orders submitted for approval are Consent Order 8001, issued to Mallace Industries, located in Clinton, Connecticut, submitted to EPA on January 13, 2006, and Consent Order 8029, issued to Hamilton Sundstrand, located in Windsor Locks, Connecticut, submitted to EPA on November 15, 2011. The seven withdrawal requests are for the following previously-approved Consent Orders: Order 8021 issued to Pfizer Global Manufacturing; Order 8032 issued to Heminway and Bartlett Company (which was subsequently renamed Coats North America); Order 8009 issued to Uniroyal Chemical Company; Order 8200 issued to Watson Laboratories; Order 8014 issued to Pratt & Whitney Aircraft; Order 8011 issued to the Dow Chemical Company; and Order 8010 issued to Sikorsky Aircraft.

A description of these submittals and our evaluation of them appears below in Section II of this document.

II. Description and Evaluation of VOC RACT Order Submittals

1. Order for Mallace Industries

Consent Order 8001 was issued to Frismar, Incorporated, located in Clinton, Connecticut, on October 19, 1987, pursuant to section 22a–174–20(cc) of the Regulations of Connecticut

State Agencies (RCSA),[1] which at the time was the state's alternative emission reduction mechanism for sources that could not otherwise meet prescribed RACT measures. Connecticut submitted the order to EPA as a SIP revision request, and EPA approved the order on November 28, 1989. See 54 FR 48885. Subsequently, ownership of the facility changed to Mallace Industries, and on September 13, 2005, Connecticut issued Consent Order 8258 to Mallace to maintain the appropriate, enforceable operating conditions contained within Order 8001, and to reflect the new ownership and current operating conditions. Consent Order 8258 contains a lower annual cap for one of the two paper coating machines at the facility, lowering its annual emissions cap from 34.0 tons to 15.9 tons. With this restriction, the source's total emissions will be below the 50 tons per year major source RACT applicability threshold. The order contains daily, monthly, and annual recordkeeping requirements, and the facility is required to submit a report to the state annually that includes a summary of the monthly VOC emissions for the facility. Connecticut held a public hearing on Consent Order 8258 on January 6, 2006, and by letter dated January 13, 2006, submitted the order to EPA as a SIP revision request. Since Consent Order 8258 has a lower cap on emissions than the previously SIP-approved order for this facility, the anti-back sliding requirements of Section 110(l) of the CAA have been met. Therefore, we are approving the order into the Connecticut SIP.

2. Order for Hamilton Sundstrand

Consent Order 8029 was issued to Hamilton Standard, located in Windsor Locks, Connecticut, on December 22, 1989, pursuant to RCSA section 22a–174–20(ee).[2] Connecticut submitted the order to EPA as a SIP revision request, which EPA approved on March 12, 1990. See 55 FR 9121. Subsequently, the facility determined that potential VOC emissions from test rigs were also subject to VOC RACT. Since the original order did not cover this equipment, Connecticut issued an amended order, Consent Order 8029A, to supersede the original order. Consent Order 8029A maintains the appropriate, enforceable operating conditions contained within Order 8029, and contains additional VOC limits for calibration fluids used in the facility's test rigs. Connecticut held a public hearing on Consent Order 8029A on August 24, 2011, and by letter dated November 15, 2011, submitted the order to EPA as a SIP revision request. Since the order contains additional emission reduction requirements beyond the previously SIP-approved order for this facility, the anti-back sliding requirements of Section 110(l) of the CAA have been met. Therefore, we are approving the order into the Connecticut SIP.

In addition, the CAA section 193 General Savings Clause applies to the above two orders since they were approved into the Connecticut SIP prior to the CAA amendments of 1990. Section 193 of the CAA prohibits any control measure in effect in a nonattainment area prior to the enactment of the CAA Amendments of 1990 to be modified after enactment, unless such modification yields equivalent or greater emission reductions. Our review of the updated orders issued to Mallace Industries and Hamilton Sundstrand indicates that they meet this requirement.

III. Description and Evaluation of VOC RACT Order Withdrawal Requests

1. Withdrawal Request for Pfizer Global Manufacturing

In 1988, Connecticut issued Consent Order 8021 to Pfizer Incorporated, located in Groton, Connecticut, to establish VOC RACT requirements pursuant to RCSA section 22a–174–20(ee). The state submitted this order to EPA as a SIP revision request, and EPA approved it into the Connecticut SIP on November 30, 1989. See 54 FR 49284. During an inspection conducted on September 3, 2002, Connecticut confirmed that the manufacturing operations covered by Order 8021 had been permanently discontinued. Furthermore, within an April 23, 2003 letter to Connecticut, Pfizer notified the agency that it no longer intended to manufacture any of the products subject to Order 8021, making the order obsolete. By letter dated July 1, 2004, Connecticut requested that Order 8021 be withdrawn from the SIP. The state held a public hearing on this SIP withdrawal request on January 15, 2004, and we are approving the request and removing the order from the Connecticut SIP. For facilities such as this, as well as those described in sections III.2, III.3, and III.4 below, where operations have been permanently discontinued (*i.e.,* equipment has been removed) and this fact has been confirmed by inspection, the CAA section 110(l) anti-back sliding requirements and the CAA section 193 General Savings Clause requirements have been met as there are no longer any emissions from these operations.

2. Withdrawal Request for Coats North America

Connecticut issued Consent Order 8032 to the Heminway and Bartlett Company, located in Watertown, Connecticut, in 1989. The order was issued to establish VOC RACT requirements pursuant to RCSA section 22a–174–20(ee), and an amended order was issued to update the ownership and operating conditions at the facility in 2004. Subsequent to the issuance of the amended order, the facility shut down, which Connecticut confirmed by an inspection conducted on May 13, 2005. Accordingly, Connecticut submitted a SIP revision request on January 13, 2006, asking that the order, which EPA approved into the Connecticut SIP on March 12, 1990 (see 55 FR 9442), be removed from the Connecticut SIP. The state held a public hearing on this SIP withdrawal request on January 6, 2006, and we are approving the request and removing the order from the Connecticut SIP.

3. Withdrawal Request for Uniroyal Chemical Company

Connecticut issued Consent Order 8009 to the Uniroyal Chemical Company, located in Naugatuck, Connecticut, in 1989. The order was issued to establish VOC RACT requirements pursuant to RCSA section 22a–174–20(ee). Connecticut submitted Order 8009 to EPA as a SIP revision request, which EPA approved on December 22, 1989. See 54 FR 52798. Subsequent to the issuance of the order, the facility shut down, which Connecticut confirmed by an inspection conducted on August 26, 2004. Accordingly, Connecticut submitted a SIP revision request on January 13, 2006, asking that the order be removed from the Connecticut SIP. The state held a public hearing on this SIP withdrawal request on January 6, 2006, and we are approving the request and removing the order from the Connecticut SIP.

4. Withdrawal Request for Watson Laboratories

Connecticut issued Consent Order 8200 to Watson Laboratories, located in Danbury, Connecticut, in 2002. The order was issued to establish VOC RACT requirements pursuant to RCSA section 22a–174–32(e)(6).[3] Connecticut

[1] This regulation has been approved into the Connecticut SIP. See 47 FR 24452; June 7, 1982.

[2] This regulation has been approved into the Connecticut SIP. See 49 FR 41026; October 19, 1984.

[3] This regulation has been approved into the Connecticut SIP. See 65 FR 62620; October 19, 2000.

submitted Order 8200 to EPA as a SIP revision request, and EPA approved the Order on October 24, 2005. See 70 FR 61384. Subsequent to the issuance of the order, the facility shut down, which Connecticut confirmed by an inspection conducted on September 13, 2005. Accordingly, Connecticut submitted a SIP revision request on January 13, 2006, asking that the order be removed from the Connecticut SIP. The state held a public hearing on this SIP withdrawal request on January 6, 2006, and we are approving the request and removing the order from the Connecticut SIP.

5. Withdrawal Request for Pratt & Whitney Aircraft

Connecticut issued Consent Order 8014 to Pratt & Whitney Aircraft located in East Hartford, Connecticut, in 1989. The order was issued to establish VOC RACT requirements pursuant to RCSA section 22a–174–20(ee). Connecticut submitted the order to EPA as a SIP revision request, and EPA approved the Order on May 30, 1989. See 54 FR 22890. Subsequent to the issuance of the order, Connecticut adopted regulations limiting VOC emissions from the equipment and activity covered by Order 8014, and the facility ceased operation of most activity covered by the order. Specifically, the degreasers covered by Order 8014 have all been removed from the facility. Additionally, in 2010, Connecticut adopted section 22a–174–20(ii) defining RACT for hand wiping operations. These requirements were approved by EPA on June 9, 2014 (see 79 FR 32873) and are at least as stringent as those within Order 8014. Accordingly, Connecticut submitted a SIP revision request on July 15, 2016, asking that Order 8014 be removed from the Connecticut SIP. The state offered a notice of opportunity for public hearing on this SIP withdrawal request on March 18, 2016. Since the newer SIP-approved regulatory requirements are at least as stringent as the previously SIP-approved order, the CAA section 110(l) anti-back sliding requirements and the CAA section 193 General Savings Clause requirements have been met. Therefore, we are approving the state's request and removing the Order 8014 from the Connecticut SIP.

6. Withdrawal Request for Dow Chemical

Connecticut issued Consent Order 8011 to the Dow Chemical Company located in Gales Ferry, Connecticut, in 1988. The order was issued to establish VOC RACT requirements pursuant to RCSA section 22a–174–20(ee). Connecticut submitted Order 8011 to EPA as a SIP revision request, and EPA approved the Order on March 8, 1989. See 54 FR 9781. Subsequent to the issuance of the order, Dow shut down portions of its manufacturing operation, and transferred other portions of its manufacturing operations to Trinseo, LLC, and Americas Styrenics, LLC. Connecticut confirmed by an inspection conducted on August 1, 2011, that portions of the manufacturing operations covered by Order 8011 had been dismantled. Additionally, a Connecticut ''Order Closure'' dated May 4, 2016, indicates that Dow no longer owns or operates equipment covered by Order 8011, and that the VOC emitting equipment remaining at the facility operated by the entities mentioned above are subject to similar regulatory limits which, in most cases, were transferred to the new owners. Accordingly, Connecticut submitted a SIP revision request on July 15, 2016, asking that the Order 8011 be removed from the Connecticut SIP. The state provided public notice and an opportunity to comment on its intent to revise the SIP. Since the VOC emitting equipment subject to the Order 8011 has either been removed from the facility or is covered by other regulatory requirements that are at least as stringent as that required by Order 8011, the CAA Section 110(l) anti-back sliding requirements and the CAA section 193 General Savings Clause requirements have been met. Therefore, we are approving Connecticut's request, and removing the order from the Connecticut SIP.

7. Withdrawal Request for Sikorsky Aircraft

Connecticut issued Consent Order 8010 to Sikorsky Aircraft located in Stratford, Connecticut, in 1988. The order was issued to establish VOC RACT requirements pursuant to RCSA section 22a–174–20(ee). Subsequently, in 1995, Connecticut added Addendum A to the order to set coating limits for the facility. Addendum B was also added to the order, providing emission reduction credits as a result of degreaser shutdowns. Connecticut submitted Order 8010 and both addenda to EPA as a SIP revision request, which EPA approved on February 9, 1998. See 63 FR 6484.

Subsequent to the issuance of the order and addenda, Connecticut issued Order 8246 to Sikorsky on October 31, 2003, to reflect updated operating conditions and regulations applicable to the facility. Order 8246 required Sikorsky to limit VOC emissions to the emission limits specified within 22a–174–20(s), with the exception of the limits for the coating of the exterior surface of assembled aircraft, as the facility could not meet that limit. Therefore, Order 8246 provided a method of compliance for the facility's use of exterior aircraft coatings through the generation and use of VOC emission reduction credits to offset excess emissions.

Subsequent to the issuance of Order 8246, Connecticut adopted amendments to 22a–174–20(s). EPA approved the amendments to RCSA 22a–174–20(s) into the Connecticut SIP on June 9, 2014. See 79 FR 32873. The amendments incorporated VOC content limits for coatings from EPA's aerospace National Emission Standard for Hazardous Air Pollutants (NESHAP) (see 40 CFR part 63, subpart GG), and EPA's aerospace control techniques guideline (see EPA–453/R–97–004, December 1997). By letter dated January 30, 2014, Sikorsky documented that all coatings used at the facility meet the requirements of the amended version of 22a–174–20(s). Since the facility demonstrated that it can meet the limits within 22a–174–20(s), compliance via the generation and use of VOC emission reduction credits is no longer necessary.

On May 4, 2016, Connecticut closed out the order because it had become obsolete, primarily due to the state's adoption of amendments to RCSA 22a–174–20(s). Connecticut submitted a withdrawal request to EPA for Order 8010 on July 15, 2016, asking that it be removed from the Connecticut SIP. The state offered a notice of opportunity for public hearing on this SIP withdrawal request on March 18, 2016. Since the current SIP requirements are at least as stringent as those in Order 8010, the CAA Section 110(l) anti-back sliding requirements and the CAA section 193 General Savings Clause requirements have been met. Therefore, we are approving Connecticut's request, and removing the order from the Connecticut SIP.

In addition, although Connecticut had previously submitted Order 8246 for Sikorsky to EPA as a SIP revision request, this request was later withdrawn by letter dated July 21, 2016, prior to EPA taking action on it.

IV. Final Action

EPA is approving, and incorporating into the Connecticut SIP, single source orders that establish VOC RACT requirements for Mallace Industries and Hamilton Sundstrand. EPA is also removing from the Connecticut SIP previously approved orders for Pfizer Global Manufacturing, Coats North America, Uniroyal Chemical Company, Watson Laboratories, Pratt and Whitney

Aircraft, Dow Chemical, and Sikorsky Aircraft.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective June 30, 2017 without further notice unless the Agency receives relevant adverse comments by May 31, 2017.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. All parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 30, 2017 and no further action will be taken on the proposed rule. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Incorporation by Reference

In this rulemaking, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is incorporating by reference VOC RACT orders for Mallace Industries and Hamilton Sunstrand, as previously discussed in section II in this rulemaking. EPA has made, and will continue to make, these materials generally available through *http://www.regulations.gov* and/or at the EPA Region 1 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide 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. Section 804, however, exempts from section 801 the following types of rules: Rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). Because this is a rule of particular applicability, EPA is not required to submit a rule report regarding this action under section 801.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 30, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: December 27, 2016.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart H—Connecticut

■ 2. Section 52.370 is amended by adding paragraphs (c)(48)(i)(C), (c)(51)(i)(D), (c)(52)(i)(D), (c)(53)(i)(C), (c)(55)(i)(B), (c)(60)(i)(C), (c)(96)(i)(E), and (c)(115) to read as follows:

§ 52.370 Identification of plan

* * * * *

(c) * * *

(48) * * *

(i) * * *

(C) State Order No. 8011, which was approved in paragraph (c)(48)(i)(B), is removed without replacement; see paragraph (c)(115)(i)(C).

* * * * *

(51) * * *

(i) * * *

(D) State Order No. 8014, which was approved in paragraph (c)(51)(i)(B), is removed without replacement; see paragraph (c)(115)(i)(D).

(52) * * *

(i) * * *

(D) State Order No. 8021, which was approved in paragraph (c)(52)(i)(B), and appendices C and D to State Order No. 8021, which were approved in paragraph (c)(52)(C), are removed without replacement; see paragraph (c)(115)(i)(E).

(53) * * *

(i) * * *

(C) State Order No. 8009, which was approved in paragraph (c)(53)(i)(B), is removed without replacement; see paragraph (c)(115)(i)(F).

* * * * *

(55) * * *

(i) * * *

(C) State Order No. 8032, which was approved in paragraph (c)(55)(i)(B), is removed without replacement; see paragraph (c)(115)(i)(G).

* * * * *

(60) * * *

(i) * * *

(C) State Order No. 8010, which was approved in paragraph (c)(60)(i)(B), is removed without replacement; see paragraph (c)(115)(i)(H).

* * * * *

(96) * * *

(i) * * *

(E) State Order No. 8200, which was approved in paragraph (c)(96)(i)(C), is removed without replacement; see paragraph (c)(115)(i)(I).

* * * * *

(115) Revisions to the State Implementation Plan submitted by the Connecticut Department of Energy and Environmental Protection on July 1, 2004, January 13, 2006, November 15, 2011, and July 15, 2016.

(i) Incorporation by reference.

(A) State of Connecticut vs. Mallace Industries Corporation, Consent Order No. 8258, issued as a final order on September 13, 2005.

(B) State of Connecticut vs. Hamilton Sundstrand, a United Technologies Company, Order No. 8029A, issued as a final order on September 3, 2009.

(C) State Order No. 8011, and attached Compliance Timetable and Appendix A (allowable limits by product classification) for Dow Chemical, U.S.A. in Gales Ferry, Connecticut, issued as State Order No. 8011, effective on October 27, 1988, and approved in paragraph (c)(48)(i)(B) is removed without replacement.

(D) State Order No. 8014, and attached Compliance Timetable for Pratt & Whitney Division of United Technologies Corporation in East Hartford, Connecticut, issued as State Order No. 8014, effective on March 22, 1989, and approved in paragraph (c)(51)(i)(B) is removed without replacement.

(E) State Order No. 8021, and attached Compliance Timetable, and Appendix A (allowable limits on small, uncontrolled vents and allowable outlet gas temperatures for surface condensers) for Pfizer, Incorporated in Groton, Connecticut, issued as State Order No. 8021, effective on December 2, 1988, and approved in paragraph (c)(52)(i)B) is removed without replacement.

(F) State Order No. 8009, and attached Compliance Timetable, Appendix A, Appendix B, and Appendix C for Uniroyal Chemical Company, Inc. in Naugatuck, Connecticut, issued as State Order No. 8009, effective on September 5, 1989, and approved in paragraph (c)(53)(i)(B), is removed without replacement.

(G) State Order No. 8032, and attached Compliance Timetable for the Heminway & Bartlett Manufacturing Company in Watertown, Connecticut, issued as State Order No. 8032, effective on November 29, 1989, and approved in paragraph (c)(55)(i)(B), is removed without replacement.

(H) State Order No. 8010, for Sikorsky Aircraft Corporation, effective on January 29, 1990, as well as Addendum A and Addendum B to Order No. 8010, effective on February 7, 1996 and September 29, 1995, respectively, issued as State Order No. 8010, and two addenda, define and impose RACT on certain VOC emissions at Sikorsky Aircraft Corporation in Stratford, Connecticut, and approved in paragraph (c)(60)(i)(B) is removed without replacement.

(I) State Order No. 8200, issued by the Connecticut Department of Environmental Protection to Watson Laboratories, Inc., effective October 3, 2002, and approved in paragraph (c)(96)(i)(C) is removed without replacement.

(ii) Additional materials. [Reserved]

■ 3. In § 52.385, Table 52.385 is amended by adding two entries for existing state citation 22a–174–32 to read as follows:

§ 52.385 EPA-approved Connecticut regulations.

* * * * *

TABLE 52.385—EPA-APPROVED REGULATIONS

Connecticut state citation	Title/subject	Dates		**Federal Register** citation	Section 52.370	Comments/description
		Date adopted by State	Date approved by EPA			
*	*	*	*	*	*	*
22a–174–32	Reasonably available control technology for volatile organic compounds.	9/13/05	5/1/17	[Insert **Federal Register** citation].	(c)(115)	VOC RACT for Mallace Industries
22a–174–32	Reasonably available control technology for volatile organic compounds.	9/3/09	5/1/17	[Insert **Federal Register** citation].	(c)(115)	VOC RACT for Hamilton Sundstrand
*	*	*	*	*	*	*

[FR Doc. 2017–08647 Filed 4–28–17; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2016–0702; FRL–9961–36–Region 9]

Approval of Arizona Air Plan Revisions, Arizona Department of Environmental Quality and Pinal County Air Quality Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the Arizona State Implementation Plan (SIP). These revisions include a state statute and certain state rules that govern air pollution sources under the Arizona Department of Environmental Quality (ADEQ) and the Pinal County Air Quality Control District (PCAQCD). These revisions concern emissions of particulate matter (PM) from construction sites, agricultural activity and other fugitive dust sources. We are approving local rules that regulate these emission sources under the Clean Air Act (CAA or the Act).

DATES: These rules will be effective on May 31, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2016–0702. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly-available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Nancy Levin, EPA Region IX, (415) 972–3848, *levin.nancy@epa.gov.*

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

Table of Contents

I. Final Action
II. Public Comments and EPA Responses
III. EPA Action
IV. Incorporation by Reference
V. Statutory and Executive Order Reviews

I. Final Action

On January 9, 2017, 82 FR 2305, the EPA proposed to approve the following rules into the Arizona SIP:

Local agency	Rule #	Rule title	Adopted	Submitted
PCAQCD	Chapter 4—Article 1.	Fugitive Dust	10/28/15	12/21/15
PCAQCD	Chapter 4—Article 3.	Construction Sites—Fugitive Dust	10/28/15	12/21/15
Arizona revised statutes (ARS)	**Statute #**	**Statute title**	**Effective date**	**Submitted**
ARS	§ 49–424	Duties of Department	4/18/14	12/21/15
Arizona administrative code (AAC) rule number	**AAC #**	**AAC title**	**Amended/ effective date**	**Submitted**
AAC	R18–2–210	Attainment, Nonattainment, and Unclassifiable Area Designations.	07/02/15	12/21/15
AAC	R18–2–610	Definitions for R18–2–610.01, R18–2–610.02, and R18–2–610.03.	07/02/15	12/21/15
AAC	R18–2–610.03	Agricultural PM General Permit for Crop Operations; Pinal County PM Nonattainment Area.	07/02/15	12/21/15
AAC	R18–2–612	Definitions for R18–2–612.01	07/02/15	12/21/15
AAC	R18–2–612.01	Agricultural PM General Permit for Irrigation Districts; PM Nonattainment Areas Designated After June 1, 2009.	07/02/15	12/21/15
AAC	Appendix 2	Test Methods and Protocols	07/02/15	12/21/15

We proposed to approve these rules because we determined that they complied with the relevant CAA requirements. Our proposed action contains more information on the rules and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. We received no comments during this period.

III. EPA Action

No comments were submitted. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is fully approving these rules into the Arizona SIP.

EPA notes that R18–2–610.03, Section F, and R18–2–612.01, Section E, allow commercial farmers and irrigation districts to develop BMPs different than those in the July 2, 2015 version of the rules and to submit alternatives ''that are proven effective through on-farm demonstration trials'' to the AgBMP Committee. These provisions also state that alternative BMPs ''shall not become effective unless submitted as described in A.R.S. § 49–457(L),'' and ARS § 49–457(L) in turn provides that approved alternative BMPs must be submitted to EPA as a SIP revision.[1] EPA understands these provisions to establish the point at which alternative BMPs may take effect as a matter of state law. For alternative BMPs to take effect as a matter of federal law, the State of Arizona must submit them to EPA as a revision to the SIP, and EPA must complete a notice and comment

[1] ARS 49–457(L) provides: ''The [Ag BMP] committee may periodically reexamine, evaluate and modify best management practices. Any approved modifications shall be submitted to the United States environmental protection agency (*sic*) as a revision to the applicable implementation plan.''

rulemaking process approving them as part of the SIP.[2]

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the Arizona statute and rules, and PCAPCD rules, described in the amendments to 40 CFR part 52 set forth below. Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[3] The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX 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 Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 30, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: March 29, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart D—Arizona

■ 2. In § 52.120:

■ a. In table 2 of paragraph (c):

■ i. Revise the entry for ''R18–2–210''.

■ ii. Add a second entry for ''R18–2–610'' and add entries for ''R18–2–610.03'', ''R18–2–612'', and ''R18–2–612.01'' in numerical order.

■ iii. Revise the first entry for ''Appendix 2''.

■ b. In table 9 of paragraph (c):

■ i. Add entries for ''4–1–010'', ''4–1–015'', ''4–1–020'', ''4–1–030'', ''4–1–040'', ''4–1–045'', ''4–1–050'', ''4–1–060'', ''4–3–160'', ''4–3–170'', ''4–3–180'', and ''4–3–190'' in numerical order.

■ c. In table 3 of paragraph (e), revise the entry ''49–424''.

The additions and revisions read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

[2] *See* 42 U.S.C. 7410(i); *see also, Safe Air for Everyone* v. *United States EPA,* 488 F.3d 1088, 1097 (9th Cir. 2007) (''[A] SIP, once approved by EPA, has 'the force and effect of federal law.' In accord with this general proposition, a state may not unilaterally alter the legal commitments of its SIP once EPA approves the plan.'' (Internal citations omitted)).

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

TABLE 2—EPA-APPROVED ARIZONA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
Article 2 (Ambient Air Quality Standards; Area Designations; Classifications)				
*	*	*	*	*
R18–2–210	Attainment, Nonattainment, and Unclassifiable Area Designations.	July 2, 2015	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015.
*	*	*	*	*
Article 6 (Emissions from Existing and New Nonpoint Sources)				
*	*	*	*	*
R18–2–610	Definitions for R18–2–610.01, R18–2–610.02, and R18–2–610.03.	July 2, 2015	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015.
R18–2–610.03	Agricultural PM General Permit for Crop Operations; Pinal County PM Nonattainment Area.	July 2, 2015	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015.
*	*	*	*	*
R18–2–612	Definitions for R18–2–612.01	July 2, 2015	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015.
R18–2–612.01	Agricultural PM General Permit for Irrigation Districts; PM Nonattainment Areas Designated After June 1, 2009.	July 2, 2015	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015.
*	*	*	*	*
Appendices to Title 18 (Environmental Quality), Chapter 2 (Department of Environmental Quality Air Pollution Control)				
*	*	*	*	*
Appendix 2	Test Methods and Protocols	July 2, 2015	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015.
*	*	*	*	*

* * * * *

TABLE 9—EPA-APPROVED PINAL COUNTY AIR POLLUTION CONTROL REGULATIONS

County citation	Title/subject	State effective date	EPA approval date	Additional explanation
Chapter 4. Emissions from Existing and New Non-Point Sources				
4–1–010	General Applicability	January 1, 2016	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015 as "Chapter 4, Article 1".
4–1–015	Exemptions	January 1, 2016	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015 as "Chapter 4, Article 1".
4–1–020	Definitions	January 1, 2016	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015 as "Chapter 4, Article 1".
4–1–030	Standards	January 1, 2016	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015 as "Chapter 4, Article 1".
4–1–040	Recordkeeping	January 1, 2016	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015 as "Chapter 4, Article 1".
4–1–045	Reporting Requirements	January 1, 2016	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015 as "Chapter 4, Article 1".
4–1–050	Records Retention	January 1, 2016	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015 as "Chapter 4, Article 1".
4–1–060	Violations	January 1, 2016	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015 as "Chapter 4, Article 1".

TABLE 9—EPA-APPROVED PINAL COUNTY AIR POLLUTION CONTROL REGULATIONS—Continued

County citation	Title/subject	State effective date	EPA approval date	Additional explanation
*	* *	*	* *	*
4–3–160	General Provisions—West Pinal PM_{10} Nonattainment Area.	January 1, 2016	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015 as "Chapter 4, Article 3".
4–3–170	Definitions	January 1, 2016	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015 as "Chapter 4, Article 3".
4–3–180	Dust Generating Operations Standards, Application, Permit and Recordkeeping Requirements.	January 1, 2016	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015 as "Chapter 4, Article 3".
4–3–190	Violations	January 1, 2016	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015 as "Chapter 4, Article 3".
*	* *	*	* *	*

* * * * * (e) * * *

TABLE 3—EPA-APPROVED ARIZONA STATUTES—NON-REGULATORY

State citation	Title/subject	State submittal date	EPA approval date	Explanation
Article 2 (State Air Pollution Control)				
*	* *	*	* *	*
49–424	Duties of Department	April 18, 2014	May 1, 2017, [Insert **Federal Register** citation].	Submitted on December 21, 2015.
*	* *	*	* *	*

* * * * *

[FR Doc. 2017–08645 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2016–0199; FRL–9961–31–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Revision of Regulations for Sulfur Content of Fuel Oil

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve revisions to the District of Columbia (the District) state implementation plan (SIP). The revision pertains to the update of the District of Columbia Municipal Regulations (DCMR) to lower the sulfur content of fuel oil. This action is being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on May 31, 2017.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2016–0199. All documents in the docket are listed on the *https://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Sara Calcinore, (215) 814–2043, or by email at *calcinore.sara@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On October 11, 2016 (81 FR 70064 and 81 FR 70020), EPA simultaneously published a notice of proposed rulemaking (NPR) and a direct final rule (DFR) for the District. EPA received a comment on the rulemaking and attempted to withdraw the DFR prior to the effective date of December 12, 2016. However, EPA inadvertently did not withdraw the DFR prior to that date and the rule prematurely became effective on December 12, 2016, revising the District's SIP to include DCMR Chapters 1, 5, and 8 of Title 20 on that date. In the NPR, EPA had proposed to approve the SIP revision, which would add the revised versions of DCMR Chapters 1, 5, and 8 of Title 20 to the District's SIP. These revisions to the DCMR reduce the allowable sulfur content of fuel oils that are combusted in oil-burning combustion units in the District. On January 20, 2016, the District, through the District of Columbia Department of Energy and Environment, submitted the aforementioned regulations for inclusion into the District's SIP. The revisions to the DCMR reduce the sulfur content of fuel oil that can be combusted within the District and prohibit the combustion of certain higher sulfur content fuel oil regardless of where the fuel is refined. EPA is responding to the comment submitted on the proposed revision to the District's SIP, is approving the low sulfur fuel oil regulations for inclusion in the District's SIP, and is amending the effective date of the regulations' inclusion in the SIP to correct our

failure to withdraw the DFR (after EPA received adverse public comments) prior to the December 12, 2016 effective date of the DFR.

II. Summary of SIP Revision and EPA's Analysis

The combustion of fuel oil containing sulfur leads to direct emissions of fine particulate matter ($PM_{2.5}$) and also sulfur dioxide (SO_2)—a pollutant which is a precursor to secondary formation of $PM_{2.5}$ pollution. In addition, SO_2 emissions oxidize in the atmosphere to form sulfates, which are one of the largest contributors to the formation of regional haze, which impairs visibility in the atmosphere by the scattering and absorption of sunlight by fine particles. Visibility impairment reduces the clarity, color, and visible distance that one can see. The District asserts its regulations limiting sulfur content in fuel oil used by certain fuel combustion sources and the prohibition of combustion of high sulfur content fuel oil within the District will decrease SO_2 emissions and therefore strengthen the District's SIP. The reduction in SO_2 emissions helps the District to maintain the national ambient air quality standards (NAAQS) for SO_2 and $PM_{2.5}$. Additional SO_2 emission reductions and subsequent reductions in sulfates from District sources combusting lower sulfur fuel will assist the District in achieving further reasonable progress towards reducing regional haze. Under section 169A of the CAA, it is a national goal to remedy and prevent regional haze in any Class I areas.[1] Section 169A requires states which contain Class I areas and states from which emissions may reasonably be anticipated to cause or contribute to visibility impairment in Class I areas to submit SIP revisions to make reasonable progress toward meeting the national goal (regional haze SIPs). The District's regional haze program to address visibility impairment requirements in Class I areas was fully approved into the District's SIP by EPA on February 2, 2012. *See* 77 FR 5191.[2] The District has submitted revised regulations for SIP approval to implement its low sulfur fuel oil program.

These revisions to DCMR Chapters 1, 5, and 8 of Title 20 require that the sulfur content of Number 2 (No. 2) fuel oil be no greater than 500 parts per million (ppm); the sulfur content of Number 4 (No. 4) fuel oil be no greater than 2,500 ppm; and prohibit the use of Number 5 (No. 5) and heavier fuel oils in the District. Additionally, beginning July 1, 2018, the sulfur content of No. 2 fuel oil can be no greater than 15 ppm. Any fuel oil stored by the ultimate consumer in the District prior to the applicable compliance date may be used after the applicable compliance date. The revisions also include changes to reporting and recordkeeping requirements related to the use and storage of the aforementioned fuel oils. Definitions for terminology which relate to reporting and recordkeeping requirements were added.

The updates to Chapter 1 include amendments to the definitions of ''American Standards of Testing Materials (ASTM)'' and ''distillate oil.'' The revision to Chapter 5 includes updates to the sampling and testing practices for fuel oils. The amended Chapter 5 regulations require the use of various ASTM methods for the sampling of petroleum; an ASTM standard for the determination of fuel oil grade; and various ASTM methods for the determination of sulfur content in fuel oil. Chapter 8 includes the revised sulfur content for No. 2 and No. 4 fuel oils and prohibits combustion of No. 5 and heavier fuel oils in the District. Chapter 8 also includes the aforementioned compliance provision and definitions related to reporting and recordkeeping requirements.[3]

As discussed in the DFR and NPR, EPA finds the District's low sulfur fuel regulations will improve visibility while also helping the District to maintain the NAAQS for SO_2 and $PM_{2.5}$ by reducing sulfur oxide emissions and $PM_{2.5}$ emissions through reduction of sulfur in fuel oils combusted in the District. EPA finds that these regulations strengthen the District's SIP. EPA notes that existing provisions and the adoption of a low sulfur fuel oil program in the District will lead to SO_2 emission reductions and provide additional SO_2 and $PM_{2.5}$ emission reductions from the District to achieve further reasonable progress towards reducing regional haze in nearby Class I areas, which may be impacted by emissions from the District.

III. Public Comments and EPA's Responses

EPA received comments from the Export Inspection Council of India within the Ministry of Commerce and Industry, Government of India (hereinafter referred to as ''commenter'') on November 10, 2016.

Comment Summary: The commenter noted that the District is of the view that the lower sulfur fuel oil regulation will decrease SO_2 emissions from certain fuel combustion sources which results in the strengthening of the District's SIP and which will help the District maintain the SO_2 NAAQS. The commenter asked whether this SIP revision is based on any scientific studies or justifications on the low sulfur content of fuel oil. The commenter also asked whether the rule implementing the lower sulfur content of fuel oil has any significance to meeting any ''multilateral obligation.'' Finally, the commenter inquired whether the proposed SIP revision applies to only domestically produced fuel oil or also applies to fuel oil exported to the United States.

Response: In response to the commenter's inquiry whether this regulation applies to fuel oil imported into the District, as well as to fuel oil produced within the District, EPA notes that the District's regulation applies to all fuel oil to be combusted within the District and limits the sulfur content of fuel oil combusted within the District regardless of where the fuel oil is refined. Thus, EPA responds to the commenter that the District's regulation limits the sulfur content of all fuel oil combusted within the District, whether the fuel oil is domestically produced or imported from sources outside the District or outside the United States. *See* title 20 of DCMR chapter 8 section 801.

As the commenter notes, the District's regulation lowering the sulfur content of fuel oil combusted within the District will reduce SO_2 emissions within the District and aid the District in attaining and maintaining the SO_2 NAAQS as EPA noted in the NPR. The District's regulation to reduce the sulfur content in fuel oil is also a response by the District to address regional needs to reduce SO_2, the primary pollutant in the Mid-Atlantic and Northeast United States responsible for visibility impairment or regional haze. To address CAA requirements for regional haze, the Mid-Atlantic and Northeastern states

[1] Class I areas include national parks, wilderness areas, or other areas of national importance that have visibility protection requirements.

[2] The District's regional haze SIP addressing the planning period from 2008 to 2018 is consistent with EPA's requirements in 40 CFR 51.308 and 51.309. The SIP addressed contribution to visibility impairment related to emissions of $PM_{2.5}$ and its precursors, and included measures to address emissions that would interfere with reasonable progress goals of neighboring states set to protect Class I areas. During the development of the first round of regional haze SIPs, the regional planning organization for the Northeastern and Mid-Atlantic states, Mid-Atlantic/Northeast Visibility Union (MANE–VU), established a strategy for these states to meet the requirements of reasonable progress goals by implementing certain measures, including pursuing a low sulfur fuel oil strategy to reduce sulfur content in fuels by 2018.

[3] Chapter 8 also includes provisions allowing waiver of fuel oil limits when EPA has granted fuel waivers. Chapter 8 also addresses fuel oil sulfur limits when a person, owner, or operator of a stationary source employs equipment or a process to reduce sulfur emissions from burning fuel oil.

agreed to pursue common efforts to reduce SO_2 and visibility impairment. One effort to which these states agreed was the reduction of sulfur content in fuel oil. A contribution assessment for these states was prepared for the first round of regional haze SIPs due in 2007 entitled *Contributions to Regional Haze in the Northeast and Mid-Atlantic United States*.[4] The assessment provided an analysis of pollutant contributions to the formation of regional haze as well as pollutant apportionment among states in the Mid-Atlantic and Northeast regions of the United States. The assessment found that SO_2 accounts for 20 percent of the haziest days in the Mid-Atlantic and Northeast region. These states developed a coordinated course of action to address the SO_2 emissions contributing to regional haze in the eastern United States and asked states in this area to adopt regulations to lower the sulfur content of fuel oil. To meet this coordinated course of action and to also reduce SO_2 emissions in general to aid in attaining and maintaining the SO_2 NAAQS, the District adopted the low sulfur fuel oil regulations, which are the subject of this SIP revision. Other than this ''contribution assessment,'' which aided states in the Mid-Atlantic and Northeast regions to address regional haze, EPA is not aware of any other scientific studies or justifications on low sulfur content of fuel oil on which the District's regulation for sulfur content in fuel oil is based.

Finally, regarding whether the District's regulation has any significance to meeting any multilateral obligation, EPA is unaware to what the commenter refers by ''multilateral obligation'' as the commenter has not defined this phrase. Assuming arguendo that the commenter meant to ask whether this low sulfur fuel regulation from the District addresses any obligations of the District or of the United States to ''international communities'' via treaties or other international law obligations, EPA is not aware of any ''multilateral obligations'' to which this regulation is intended to apply. The District's January 20, 2016 submission only states that its submitted regulation which lowers the sulfur content of fuel combusted within the District was intended to reduce SO_2 emissions within the District and aid the District in attaining and maintaining the SO_2 NAAQS. The District's January 20, 2016 SIP revision submittal did not address whether the District's regulation addressed any multilateral obligation nor is EPA aware of any multilateral obligation which this regulation is intended to address.

[4] This document can be found at: *http://www.nescaum.org/documents/contributions-to-regional-haze-in-the-northeast-and-mid-atlantic--united-states/*.

IV. Final Action

EPA is approving revisions to the DCMR Chapters 1, 5, and 8 of Title 20 for inclusion in the District's SIP because the revisions meet the requirements of the CAA in section 110 and strengthen the District's SIP. The revisions to the DCMR Chapters include limits on sulfur content in fuels to be combusted within the District and a prohibition on combustion of high sulfur content fuels which will reduce SO_2 emissions in the District. EPA is also amending the effective date of the inclusion of these revisions to the District's SIP because the revisions were added to the SIP prematurely on December 12, 2016 when EPA failed to withdraw its DFR after receiving a comment on our approval of the District's low sulfur fuel regulations. This rule which responds to the comment received finalizes our approval and corrects the premature effective date for inclusion of the revised low sulfur fuel regulations in the District's SIP.

V. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the DCMR Chapters 1, 5, and 8 of Title 20. Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully Federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update of the SIP compilation.[5] EPA has made, and will continue to make, these materials generally available through *https://www.regulations.gov* and/or at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

VI. Statutory and Executive Order Reviews

A. General Requirements

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

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

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

B. Submission to Congress and the Comptroller General

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

[5] 62 FR 27968 (May 22, 1997).

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 30, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action approving the revisions to the District of Columbia's regulations to lower the sulfur content of fuel oil may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: March 21, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

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 J—District of Columbia

■ 2. In § 52.470, the table in paragraph (c) is amended by revising the entries for ''Section 199'', ''Sections 502.1 through 502.15'', ''Section 801'', and ''Section 899'' to read as follows:

§ 52.470 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED REGULATIONS AND STATUTES IN THE DISTRICT OF COLUMBIA SIP

State citation	Title/subject	State effective date	EPA approval date	Additional explanation
District of Columbia Municipal Regulations (DCMR), Title 20—Environment				
Chapter 1 General				
* *	*	*	*	* *
Section 199	Definitions and Abbreviations	08/16/15	05/01/17 [**Insert Federal Register citation**].	Added two new definitions.
* *	*	*	*	* *
Chapter 5 Source Monitoring and Testing				
* *	*	*	*	* *
Sections 502.1 through 502.15	Sampling, Tests, and Measurements.	08/16/15	05/01/17 [**Insert Federal Register citation**].	Updates to sampling and testing practices for fuel oils. Exceptions: Paragraphs 502.11, 502.12 and 502.14 are not part of the SIP.
* *	*	*	*	* *
Chapter 8 Asbestos, Sulfur and Nitrogen Oxides				
Section 801	Sulfur Content of Fuel Oils	08/16/15	05/01/17 [**Insert Federal Register citation**].	Updates to the sulfur content of No. 2 and No.4 fuel oils and the prohibition of the use of No. 5 fuel oil.
* *	*	*	*	* *
Section 899	Definitions and Abbreviations	08/16/15	05/01/17 [**Insert Federal Register citation**].	Addition of new definitions that relate to the handling and storage of fuel oil.
* *	*	*	*	* *

* * * * *

[FR Doc. 2017–08642 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2016–0092; FRL–9961–57–Region 1]

Air Plan Approval; Rhode Island; Repeal of NO_X Budget Trading Program

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Rhode Island. This revision removes Air Pollution Control (APC) Regulation 41, entitled ''NO_X Budget Trading Program'' (Rhode Island NBP) from the Rhode Island SIP. The Rhode Island NBP was a market-based cap and trade program, which was created to reduce emissions of nitrogen oxides (NO_X) from power plants and other large combustion sources in response to EPA's 1998 NO_X SIP Call. By 2009, EPA's Clean Air Interstate Rule (CAIR) had effectively replaced NO_X Budget Trading Programs in eastern states. CAIR has since been replaced by the Cross-State Air Pollution Rule (CSAPR), which was first implemented on January 1, 2015. Rhode Island was not covered by CAIR or CSAPR. The State's NBP was repealed under state law effective July 29, 2014. The five sources meeting the Rhode Island NBP applicability criteria have Title V permits, which contain SIP-derived NO_X emissions limits, that limit their NO_X emissions below the maximum emissions (936 tons) that were allowed under the Rhode Island NBP and, therefore, the requirements of the NO_X SIP Call are satisfied by the emissions limits contained in those sources' permits. This renders Regulation 41 unnecessary. This action is being taken in accordance with the Clean Air Act.

DATES: This direct final rule will be effective June 30, 2017, unless EPA receives adverse comments by May 31, 2017. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2016–0092 at *http://www.regulations.gov,* or via email to *arnold.anne@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://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Alison C. Simcox, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912, telephone number (617) 918–1684, fax number (617) 918–0684, email *simcox.alison@epa.gov.*

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

Organization of this document. The following outline is provided to aid in locating information in this preamble.

I. Background and Purpose
II. EPA's Evaluation of Rhode Island's SIP Revision
III. Final Action
IV. Statutory and Executive Order Reviews

I. Background and Purpose

On October 6, 2014, Rhode Island submitted a formal revision to its State Implementation Plan (SIP). The SIP revision consists of a request to remove from its SIP Air Pollution Control (APC) Regulation 41, entitled ''NO_X Budget Trading Program'' (Rhode Island NBP). The regulation is no longer needed as the subject facilities' Title V permits, which contain SIP-derived NO_X emissions limits, collectively contain maximum allowable emission limitations (682 tons) that are significantly lower than the 936-ton limit in the EPA-approved Rhode Island NBP. In addition, any new sources that would be constructed are subject to the state's new source review program, which has been approved by EPA into the Rhode Island SIP (64 FR 67500; December 2, 1999).

Rhode Island's NBP was a market-based cap and trade program, which was created to reduce emissions of NO_X from power plants and other large combustion sources in response to EPA's NO_X SIP Call (63 FR 57356; October 27, 1998). The NO_X SIP call originally required 22 States, including Rhode Island, and the District of Columbia to meet statewide NO_X emission budgets during each ozone season (May 1 to October 1) beginning in 2003. In February 1999, Rhode Island, Massachusetts, and Connecticut signed a memorandum of understanding agreeing to distribute the Electric Generating Unit (EGU) portions of the three states' budgets amongst themselves. Therefore, Rhode Island's SIP submittal for its Regulation 41 ''NO_X Budget Trading Program'' (Rhode Island NBP) to meet NO_X SIP Call requirements was approved at the same time as those from Massachusetts and Connecticut (65 FR 81743; December 27, 2000).

Sources covered by the Rhode Island NBP include sources with a nameplate capacity greater than 15 megawatts electric (MWe) or with a maximum design heat input greater than 250 million British thermal units per hour (MMBtu/hr). The five sources meeting the NBP applicability criteria are Ocean State Power, Pawtucket Power Associates, Dominion Energy Manchester Street, Inc., Tiverton Power Inc., and Entergy Rhode Island State Energy, L.P. The EPA-approved Rhode Island NBP set the total NO_X emission budget for all applicable sources for each control period (*i.e.,* the May through October ozone season) at 936 tons.

In May 2005, EPA issued the Clean Air Interstate Rule (CAIR) (70 FR 25162; May 12, 2005), which covered 27 eastern states and the District of Columbia. CAIR used a cap and trade program to reduce sulfur dioxide (SO_2) and NO_X emissions from power plants and other large combustion sources to meet the 1997 annual and 24-hour fine particle ($PM_{2.5}$) and 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS). By 2009, CAIR had replaced NBPs for CAIR states. CAIR was subsequently replaced by the Cross-State Air Pollution Rule (CSAPR) (76 FR 48208; August 8, 2011). CSAPR implementation began on January 1, 2015. EPA revised the CSAPR ozone-season NO_X program by issuing an update to CSAPR for the 2008 ozone NAAQS, known as the CSAPR Update

(81 FR 74504; October 26, 2016). The CSAPR Update will largely replace the original CSAPR ozone-season NO_X program on May 1, 2017. Rhode Island was not covered by CAIR, CSAPR, or the CSAPR Update. However, neither CAIR nor CSAPR preempted or replaced the underlying requirements of the NO_X SIP Call and, therefore, Rhode Island remains subject to those requirements.

In order for Rhode Island to be able to remove its NBP from the SIP, the state has demonstrated that its total NO_X emission limitation under its NBP (936 tons during each ozone-season control period) would be retained. As noted earlier, all of the sources meeting the Rhode Island NBP applicability criteria have Title V permits, which contain SIP-derived NO_X emissions limits, that collectively limit their allowable NO_X emissions to amounts below 936 tons, and these sources also remain subject to adequate monitoring, recordkeeping and reporting requirements.

On April 7, 2014, Rhode Island Department of Environmental Management (RI DEM) proposed to repeal APC Regulation No. 41 ''NO_X Budget Trading Program'' and offered the public an opportunity to schedule a public hearing on or before May 8, 2014. No requests for a public hearing were requested, and repeal of this regulation under state law became effective on July 29, 2014. On October 6, 2014, RI DEM submitted a SIP revision to EPA to remove APC Regulation No. 41 from the Rhode Island SIP.

II. EPA's Evaluation of Rhode Island's SIP Revision

EPA has reviewed the Title V permits, and NO_X emissions limits contained therein, for the five sources that meet the Rhode Island NBP applicability criteria: Ocean State Power, Pawtucket Power Associates, Dominion Energy Manchester Street, Inc., Tiverton Power Inc., and Entergy Rhode Island State Energy, L.P. These permits, which include emissions limits, and a technical support document (TSD) supporting EPA's evaluation are available in the docket for today's action.

The maximum allowable NO_X emissions from the five Rhode Island sources during any ozone-season control period under the Title V permits were calculated using the following conservative assumptions: (1) All units are operating at maximum capacity; and (2) all units are operating at all times throughout the ozone season. As detailed in the TSD, the maximum allowable NO_X emissions were calculated to be 682 tons, well below the 936 tons allowed under the Rhode Island NBP. These calculated emissions were also compared to these sources' actual emissions during 2016, the most recent year for which emissions data is available from EPA's Clean Air Markets at *https://ampd.epa.gov/ampd/.* A spreadsheet showing this data is included in the docket for today's action. Actual 2016 ozone-season NO_X emissions for the five sources were 221 tons, significantly below both the 682 tons allowed under the Title V permits and the 936 tons allowed under the Rhode Island NBP. Therefore, the state has been meeting, and will continue to meet, the requirements of the NO_X SIP Call.

Furthermore, as Rhode Island is meeting the requirements of the NO_X SIP call through the implementation of the facilities' permitted NO_X emissions limits, removing APC Regulation No. 41 from the Rhode Island SIP will not interfere with any applicable requirement concerning attainment of the NAAQS, reasonable further progress, or any other applicable Clean Air Act requirement; *i.e.,* the SIP revision meets the Clean Air Act's section 110(l) anti-backsliding requirements. In addition, any new sources that would be constructed would be subject to the state's new source review program which has been approved by EPA into the Rhode Island SIP (64 FR 67500; December 2, 1999). Accordingly, EPA is approving the removal of APC Regulation No. 41 from the Rhode Island SIP.

III. Final Action

EPA is approving Rhode Island's request, submitted to EPA on October 6, 2014, to remove from the Rhode Island SIP APC Regulation No. 41 ''NO_X Budget Trading Program.''

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective June 30, 2017 without further notice unless the Agency receives relevant adverse comments by May 31, 2017.

If the EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on the proposed rule. All parties interested in commenting on the proposed rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on June 30, 2017 and no further action will be taken on the proposed rule. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

IV. Statutory and Executive Order Reviews

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

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

be inconsistent with the Clean Air Act; and

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

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

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 30, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: March 23, 2017.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart OO—Rhode Island

§ 52.2070 [Amended]

■ 2. In § 52.2070, in the table in paragraph (c), remove the entry ''Air Pollution Control Regulation 41''.

[FR Doc. 2017–08655 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2016–0081; FRL–9961–23–Region 3]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; State of Delaware, District of Columbia, and Commonwealth of Pennsylvania, City of Philadelphia; Control of Emissions From Existing Commercial and Industrial Solid Waste Incinerator Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to notify the public that it has received negative declarations relating to commercial and industrial solid waste incineration (CISWI) units within the State of Delaware, the District of Columbia, and the City of Philadelphia in the Commonwealth of Pennsylvania. These negative declarations certify that CISWI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA) do not exist within the jurisdictional boundaries of the State of Delaware, the District of Columbia, and the City of Philadelphia in the Commonwealth of Pennsylvania. EPA is accepting the negative declarations in accordance with the requirements of the CAA.

DATES: This rule is effective on June 30, 2017 without further notice, unless EPA receives adverse written comment by May 31, 2017. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2016–0081 at *https://www.regulations.gov,* or via email to *miller.linda@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Mary Cate Opila, (215) 814–2041, or by email at *opila.marycate@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Sections 111(d) and 129 of the CAA require submittal of state plans to control certain pollutants (designated pollutants) at existing solid waste combustor facilities (designated facilities) whenever standards of performance have been established by EPA under section 111(b) for new sources of the same source category and the EPA has established emission guidelines for such existing sources. When designated facilities are located in a state, the state must then develop and

submit a plan for the control of the designated pollutant. Subpart B of 40 CFR part 60 establishes procedures to be followed and requirements to be met in the development and submission of state plans for controlling designated pollutants from designated facilities under sections 111(d) and 129 of the CAA. Also, Subpart A of 40 CFR part 62 provides the procedural framework for the submission of these plans.

If a state fails to submit a satisfactory plan, the CAA provides the EPA the authority to prescribe a plan for regulating the designated pollutants at the designated facilities. The EPA prescribed plan, also known as a federal plan, is often delegated to states with designated facilities but no EPA approved state-specific plan. If no such designated facilities exist within a state's jurisdiction, a state may submit to the EPA a letter of certification to that effect (referred to as a negative declaration) in lieu of a state plan to satisfy the state's obligation. 40 CFR 60.23(b) and 62.06. A negative declaration exempts the state from the requirement to submit a CAA section 111(d)/section 129 plan for that designated pollutant and source category. 40 CFR 60.23(b).

II. Commercial and Industrial Solid Waste Incinerators

On December 1, 2000 (60 FR 75338), the EPA promulgated new source performance standards for new CISWI units, 40 CFR part 60, subpart CCCC, and emission guidelines for existing CISWI units, 40 CFR part 60, subpart DDDD. After a series of legal challenges, amendments, and reconsiderations, the EPA promulgated the Reconsideration and Final Amendments for CISWI units on February 7, 2013 (78 FR 9112) (providing final standards for new and existing sources). A CISWI unit is any distinct operating unit of any commercial or industrial facility that combusts, or has combusted in the preceding six months, any solid waste, as that term is defined in 40 CFR part 241, Solid Wastes Used as Fuels or Ingredients in Combustion Units. 40 CFR 60.2875. A state plan must address all existing CISWI units that commenced construction on or before June 4, 2010, or for which modification or reconstruction was commenced on or before August 7, 2013, with limited exceptions as provided in 40 CFR 60.2555. See 40 CFR 60.2550.

As discussed previously, if there are no designated facilities in the state, the state may submit a negative declaration in lieu of a state plan. The EPA will provide public notice of receipt of a state's negative declaration with respect to CISWI. See 40 CFR 60.2530. If any subsequently identified existing CISWI unit is found in a state that had submitted a negative declaration, the Federal plan implementing the emission guidelines for subpart DDDD would automatically apply to that CISWI unit until a state plan is approved. See 40 CFR 60.2530.

III. State Submittals and EPA Analysis

The State of Delaware, through the Department of Natural Resources & Environmental Control (DNREC), the District of Columbia District through the Department of Energy & Environment (DDOEE), and the City of Philadelphia through the Department of Public Health, Air Management Services in the Commonwealth of Pennsylvania (Philadelphia AMS) have determined that there are no CISWI units subject to CAA 111(d)/129 requirements in their respective jurisdictional boundaries. Accordingly, each state and local agency has submitted to EPA a negative declaration letter certifying this fact. DNREC submitted a negative declaration letter to EPA on January 7, 2014. DDOEE submitted a negative declaration letter to EPA on November 8, 2013. Philadelphia AMS submitted a negative declaration letter to EPA on March 4, 2015. A typographical error in the letter was noted and clarified by Philadelphia AMS in an email on February 4, 2016. These negative declaration letters and a copy of the February 4, 2016 email are in the docket for this action and are available online at *https://www.regulations.gov.* A description of the states' submittals and EPA's rationale for the approval is also set forth in a technical support document for this action. Supporting documentation, including the technical support document, for this action is available in the docket for this rulemaking and available online at *https://www.regulations.gov.*

IV. Final Action

In this direct final action, EPA is amending 40 CFR part 62 to reflect the receipt of negative declaration letters from the noted state and local agencies. EPA accepts these negative declarations as meeting the requirements in paragraph 40 CFR 60.23(b). Amendments are being made to 40 CFR part 62, subparts I (Delaware), J (District of Columbia), and NN (Pennsylvania). With respect to subpart NN, this action is only applicable to the City of Philadelphia air pollution control agency's jurisdiction; it does not include the remaining geographical areas in the Commonwealth of Pennsylvania. EPA is providing notice of receipt of these negative declarations.

After publication of this **Federal Register** action, if a designated facility (*i.e.,* existing CISWI unit) is later found within any of the three noted jurisdictions, then the overlooked facility will become subject to the requirements of the federal plan for CISWI units for that designated facility, including the compliance schedule, when promulgated by EPA. See 40 CFR 60.2530. The federal plan would no longer apply if EPA subsequently receives and approves a section 111(d)/129 plan from the jurisdiction with the overlooked CISWI facility.

EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the action if adverse comments are filed. This rule will be effective on June 30, 2017 without further notice unless EPA receives adverse comment by May 31, 2017. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

V. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely notifies the public of EPA receipt of negative declarations from air pollution control agencies without any existing CISWI units within their jurisdictional boundaries. This action imposes no requirements. Accordingly, EPA certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action does not impose any additional enforceable duty beyond that required by state law, it 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). This action also does not have tribal implications because it will 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, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves the negative declarations for existing CISWI units from DNREC, DDOEE and Philadelphia AMS. The action does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This action also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant. This action 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).

With regard to negative declarations for designated facilities received by EPA from states, EPA's role is to notify the public of the receipt of such negative declarations and revise 40 CFR part 62 accordingly. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 30, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking action. This action approving negative declarations for existing CISWI units from DNREC, DDOEE and Philadelphia AMS may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Commercial and industrial solid waste incineration units, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 21, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

40 CFR part 62 is amended as follows:

PART 62—APPROVAL AND PROMULGATION OF STATE PLANS FOR DESIGNATED FACILITIES AND POLLUTANTS

■ 1. The authority citation for part 62 continues to read as follows:

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

Subpart I—Delaware

■ 2. Revise § 62.1985 to read as follows:

§ 62.1985 Identification of plan—negative declaration.

(a) Letter from the Delaware Department of Natural Resources and Environmental Control submitted November 16, 2001, certifying that there are no existing commercial/industrial solid waste incineration units within the State of Delaware that are subject to 40 CFR part 60, subpart DDDD.

(b) Letter from the Delaware Department of Natural Resources and Environmental Control submitted January 7, 2014, certifying that there are no existing commercial/industrial solid waste incineration units within the State of Delaware that are subject to 40 CFR part 60, subpart DDDD.

Subpart J—District of Columbia

■ 3. Revise § 62.2155 to read as follows:

§ 62.2155 Identification of plan—negative declaration.

(a) Letter from the District of Columbia Department of Health, Environmental Health Administration, submitted November 27, 2001, certifying that there are no existing commercial/industrial solid waste incineration units within the District of Columbia that are subject to 40 CFR part 60, subpart DDDD.

(b) Letter from the District of Columbia, District Department of Energy & Environment, submitted November 8, 2013, certifying that there are no existing commercial/industrial solid waste incineration units within the District of Columbia that are subject to 40 CFR part 60, subpart DDDD.

Subpart NN—Pennsylvania

■ 4. Revise § 62.9670 to read as follows:

§ 62.9670 Identification of plan—negative declaration.

(a) Letter from the City of Philadelphia, Department of Public Health, submitted February 9, 2001, certifying that there are no existing commercial/industrial solid waste incineration units within the City of Philadelphia, Pennsylvania that are subject to 40 CFR part 60, subpart DDDD.

(b) Letter from the City of Philadelphia, Department of Public Health, submitted March 4, 2015, as amended February 4, 2016, certifying that there are no existing commercial/industrial solid waste incineration units within the City of Philadelphia, Pennsylvania that are subject to 40 CFR part 60, subpart DDDD.

[FR Doc. 2017–08657 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2015–0215; FRL–9955–97]

Tioxazafen; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of tioxazafen in or on corn, field, forage; corn, field, grain; corn, field, stover; cotton, gin byproducts; cotton, undelinted seed; soybean, forage; soybean, hay; soybean, meal; soybean, seed. Monsanto Company requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective May 1, 2017. Objections and requests for hearings must be received on or before June 30, 2017, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2015–0215, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

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

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

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

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.* To access the OCSPP test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.''

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2015–0215 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before June 30, 2017. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2015–0215, 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 20, 2015 (80 FR 28925) (FRL–9927–39), 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 4F8339) by Monsanto Company, 1300 I Street NW., Suite 450 East, Washington, DC 20005. The petition requested that 40 CFR part 180 be amended by establishing tolerances for residues of the nematicide tioxazafen, in or on cattle, fat at 0.01 parts per million (ppm); cattle, meat at 0.01 ppm; cattle, meat byproducts at 0.01 ppm; corn, field, forage at 0.01 ppm; corn, field, grain at 0.01 ppm; corn, field, stover at 0.02 ppm; cotton, gin byproducts at 0.02 ppm; cotton, undelinted seed at 0.01 ppm; goat, fat at 0.01 ppm; goat, meat at 0.01 ppm; goat, meat byproducts at 0.01ppm; horse, fat at 0.01 ppm; horse, meat at 0.01 ppm; horse, meat byproducts at 0.01 ppm; milk at 0.01 ppm; sheep, fat at 0.01 ppm; sheep, meat at 0.01 ppm; sheep, meat byproducts at 0.01 ppm; soybean, forage at 0.15 ppm; soybean, hay at 0.30 ppm; soybean, meal at 0.05 ppm; and soybean, seed at 0.04 ppm. That document referenced a summary of the petition prepared by Monsanto Company, the registrant, which is available in the docket, *http://www.regulations.gov.* One comment was received in response to the notice of filing. The Agency's response to that comment is contained in Unit IV.C.

Based upon review of the data supporting the petition, EPA is establishing tolerance levels for corn, field, forage; corn, field, grain; and cotton, undelinted seed that differ from what the petitioner requested. In addition, the Agency determined tolerances were not necessary on cattle, fat; cattle, meat; cattle, meat byproducts; goat, fat; goat, meat; goat, meat byproducts; horse, fat; horse, meat; horse, meat byproducts, milk; sheep, fat; sheep, meat; and sheep, meat byproducts because of no expectation of

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

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Tioxazafen has low acute toxicity by the oral, dermal and inhalation routes of exposure. It is a mild eye irritant, nonirritating to the skin, and is not a dermal sensitizer.

The adrenal gland in male and female rats was the primary target organ in subchronic and chronic oral toxicity studies. These effects were also observed in the dermal and inhalation (28- and 90-day) toxicity studies. In male rats, adrenal effects included increased adrenal weights and adrenal vacuolation. Although female rats exhibited decreased rather than increased adrenal weights, there were no corresponding histological effects in adrenals of females in the 2-generation reproductive study or the chronic toxicity study to indicate adversity of the finding. The available studies suggest that the male rat may be more sensitive than females to the adrenal effects of tioxazafen.

Evidence of neurotoxicity (*i.e.,* decreased locomotor activity) was observed in the acute neurotoxicity study in the rat. Decreased hindlimb splay observed in the rat subchronic neurotoxicity study was not considered adverse, and there was no evidence of neurotoxicity in the rest of the database and no corroborating neuropathology.

Tioxazafen did not result in developmental effects in either rats or rabbits, and therefore, there is no quantitative or qualitative susceptibility. In rats, the only maternal effects were decreased adrenal weights, and decreased food consumption. No histology was performed on the adrenal to assess potential functional effects. There were no maternal effects in the rabbit of toxicological significance. No offspring toxicity was noted up to 60 milligram/kilogram/day (mg/kg/day) (highest dose tested (HDT)) in the 2-generation reproductive toxicity study.

In an immunotoxicity rat study, decreased serum IgM response (not statistically significant) was noted at the high dose and decreasing median values exhibited a clear dose-response. These findings provide an indication of perturbation/dis-regulation of the immunologic response.

Long-term dietary exposure to high doses of tioxazafen was associated with the development of malignant thoracic hibernomas in female rats, hepatocellular tumors in male and female mice, and hemangiosarcomas in male mice. Based on the observation of tumors in 2 species and both sexes without an adequate mode of action, EPA classified tioxazafen as ''likely to be carcinogenic to humans'' with a linear cancer slope factor (Q1*) of 9.63×10^{-3} $(mg/kg/day)^{-1}$. Tioxazafen is not considered to be a mutagen.

Specific information on the studies received and the nature of the adverse effects caused by tioxazafen 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 the document, ''Tioxazafen. Human Health Risk Assessment for the First Food Uses on Corn, Cotton, and Soybean Seeds'' (K. Rickard, 10/06/2016) in docket ID number EPA–HQ–OPP–2015–0215.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological Point of Departures (PODs) 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 the NOAEL and the LOAEL are identified. Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for tioxazafen used for human risk assessment is shown in Table 1 of this unit.

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

Exposure/scenario	Point of departure and uncertainty/Safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children).	LOAEL = 250 mg/kg/day. UF_A = 10 UF_H = 10 FQPA SF/UF_L = 10x	Acute RfD = 0.25 mg/kg/day. aPAD = 0.25 mg/kg/day	Acute neurotoxicity—Rat LOAEL = 250 mg/kg/day based on decreased total motor and ambulatory activity counts (observed at time of peak).
Chronic dietary (All populations)	Parental NOAEL = 5.0 mg/kg/day. UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.05 mg/kg/day. cPAD = 0.05 mg/kg/day	Two-Generation Reproductive—Rat LOAEL = 20 mg/kg/day based on adrenal effects (increased weight and vacuolation of the adrenal gland) in males.
Cancer (Oral, dermal, inhalation).	*Classification:* ''Likely to be Carcinogenic to Humans'' based on female mouse liver combined adenoma and/or carcinoma tumor rates. A linear low dose extrapolation model for risk assessment will be used with a unit risk, $Q1^* = 9.63 \times 10^{-3}$ $(mg/kg/day)^{-1}$ for female mouse liver combined adenoma and/or carcinoma tumor rates.		

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

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to tioxazafen, EPA considered exposure under the petitioned-for tolerances in 40 CFR 180. EPA assessed dietary exposures from tioxazafen 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.

Such effects were identified for tioxazafen. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA conducted an unrefined acute dietary assessment using tolerance-level residues, 100 PCT assumptions, and default processing factors.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA NHANES/WWEIA. As to residue levels in food, EPA conducted an unrefined chronic dietary assessment, using tolerance-level residues, 100 PCT assumptions, and default processing factors.

iii. *Cancer.* EPA determines whether quantitative cancer exposure and risk assessments are appropriate for a food-use pesticide based on the weight of the evidence from cancer studies and other relevant data. If quantitative cancer risk assessment is appropriate, cancer risk may be quantified using a linear or nonlinear approach. If sufficient information on the carcinogenic mode of action is available, a threshold or nonlinear approach is used and a cancer RfD is calculated based on an earlier noncancer key event. If carcinogenic mode of action data are not available, or if the mode of action data determines a mutagenic mode of action, a default linear cancer slope factor approach is utilized. Based on the data summarized in Unit III.A., EPA has concluded that tioxazafen should be classified as ''Likely to be Carcinogenic to Humans'' and a linear approach has been used to quantify cancer risk. Unrefined cancer dietary assessments were conducted using tolerance-level residues, 100 PCT assumptions, and default processing factors.

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for tioxazafen. Tolerance level residues and/or 100 PCT 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 tioxazafen in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of tioxazafen. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the Pesticide in Water Calculator (PWC v1.52) consisting of a graphical user interface shell integrating PRZM v.5.02 and VVWMv.1.02.1, the estimated drinking water concentrations (EDWCs) of tioxazafen for acute exposures are estimated to be 4.89 parts per billion (ppb) for surface water and 0.0756 ppb for ground water. For chronic exposures for non-cancer assessments the EDWCs are estimated to be 0.61 ppb for surface water and there was no breakthrough for ground water. Chronic exposures for cancer assessments are estimated to be 0.38 ppb for surface water and there was no breakthrough for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 4.89 ppb was used to assess the contribution to drinking water. For chronic dietary risk assessment, the water concentration of value 0.61 ppb was used to assess the

contribution to drinking water. For cancer dietary risk assessment, the water concentration of value 0.38 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).

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

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

EPA has not found tioxazafen to share a common mechanism of toxicity with any other substances, and tioxazafen does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that tioxazafen 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://www.epa.gov/pesticides/cumulative.*

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 Food Quality Protection Act Safety Factor (FQPA 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.* No evidence of quantitative or qualitative increased susceptibility, as compared to adults, was observed in fetuses as a result of *in utero* exposure in developmental toxicity studies in rats or rabbits, or in offspring as a result of potential *in utero* or postnatal exposure in a reproduction study in rats.

3. *Conclusion.* EPA is retaining the 10X FQPA SF for acute exposure scenarios to account for extrapolation to a NOAEL from a LOAEL. For other exposure durations and routes, 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 based on the following findings:

i. The toxicology database for tioxazafen is complete.

ii. Tioxazafen did not result in developmental effects in either rats or rabbits, therefore, there is no evidence of increased qualitative or quantitative susceptibility in the developing fetus. No offspring toxicity was noted up to 60 mg/kg/day (highest dose tested) in the 2-generation reproductive toxicity study.

iii. There is low concern for neurotoxicity. In the acute neurotoxicity study in the rat, decreased locomotor activity was noted and decreased hind limb splay was observed in the rat subchronic neurotoxicity study at week 3 evaluations; however, this effect was not considered adverse since there was no dose response relationship, the response was variable, nonpersistent, and not observed in the 90-day subchronic rat oral toxicity study, and no additional neurotoxicity data are required.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100 PCT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to tioxazafen in drinking water. These assessments will not underestimate the exposure and risks posed by tioxazafen.

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.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to tioxazafen will occupy <1% of the aPAD for all infants <1-year old, the population group receiving the greatest exposure.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to tioxazafen from food and water will utilize <1% of the cPAD for children 1–2 years old the population group receiving the greatest exposure. There are no residential uses for tioxazafen.

3. *Short-term risk.* Because there are no residential exposures to tioxazafen, a short-term aggregate risk assessment was not conducted.

4. *Intermediate-term risk.* Because there are no residential exposures to tioxazafen, an intermediate-term aggregate risk assessment was not conducted.

5. *Aggregate cancer risk for U.S. population.* Using a linear low-dose extrapolation model (Q_1*) was used to estimate cancer risk, with a Q_1* = 9.63×10^{-3} $(mg/kg/day)^{-1}$, the Agency estimates cancer risk to Adults 20–49 years old to be 5×10^{-7}. EPA generally considers cancer risks (expressed as the probability of an increased cancer case) in the range of 1 in 1 million (or 1×10^{-6}) or less to be negligible.

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

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate analytical methods are available to enforce the proposed tolerances for tioxazafen and benzamidine in plant commodities. The proposed plant enforcement method, Method 115G8064A, employs a single extraction and determinative step for both analytes. This method was successfully validated by an independent laboratory.

Adequate enforcement methodology (electrospray ionization liquid chromatography with mass spectrometric detection (ESI LC–MS/MS) in positive ion mode) is available to enforce the tolerance expression.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the

international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established an MRL for tioxazafen.

C. Response to Comments

EPA received one comment on the Notice of Filing objecting, without any supporting information, to the establishment of these tioxazafen tolerances for concerns about the toxicity of chemicals generally. The Agency understands the commenter's concerns and recognizes that some individuals believe that pesticides should be banned from use on agricultural crops. The existing legal framework provided by section 408 of the FFDCA, however, states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety stand imposed by that statute. EPA has evaluated the available data, assessed the effects of this chemical on human health, and determined that aggregate exposure to it will be safe. The commenter has not provided any information to support altering that safety finding.

D. Revisions to Petitioned-for Tolerances

Some of the petitioned-for tolerance levels in the Notice of Filing differ from those currently being set by the Agency. Specifically, the Agency has determined that no livestock tolerances are needed as there is no reasonable expectation of finite residues in those commodities. Further, for corn and cotton raw agricultural commodities, the appropriate tolerance level needs to be the sum of the level of quantification of tioxazafen and benzamidine (0.02 ppm) rather than 0.01 ppm.

V. Conclusion

Therefore, tolerances are established for residues of tioxazafen, in or on corn, field, forage at 0.02 ppm; corn, field, grain at 0.02 ppm; corn, field, stover at 0.02 ppm; cotton, gin byproducts at 0.02 ppm; cotton, undelinted seed at 0.02 ppm; soybean, forage at 0.15 ppm; Soybean, hay at 0.30 ppm; soybean, meal at 0.05 ppm and soybean, seed at 0.04 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: April 10, 2017.

Richard P. Keigwin, Jr.,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

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

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

■ 2. Add § 180.692 to subpart C to read as follows:

§ 180.692 Tioxazafen; tolerances for residues.

(a) *General.* Tolerances are established for residues of tioxazafen, including its metabolites and degradates, in or on the commodities in the table below. Compliance with the tolerance levels specified below is to be determined by measuring the combined residues of tioxazafen [3-phenyl-5-(2-thienyl)-1,2,4-oxadiazole] and benzamidine, expressed as tioxazafen in or on the commodity.

Commodity	Parts per million
Corn, field, forage	0.02
Corn, field, grain	0.02
Corn, field, stover	0.02
Cotton, gin by-products	0.02
Cotton, undelinted seed	0.02

Commodity	Parts per million
Soybean, forage	0.15
Soybean, hay	0.30
Soybean, meal	0.05
Soybean, seed	0.04

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

(c) *Tolerances with regional registrations.* [Reserved]

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

[FR Doc. 2017–08538 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R6–ES–2017–0025; FXES11130900000 167 FF09E42000]

RIN 1018–BC04

Endangered and Threatened Wildlife and Plants; Reinstatement of Removal of Federal Protections for Gray Wolves in Wyoming

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are issuing this final rule to comply with a court order that reinstates the removal of Federal protections for the gray wolf *(Canis lupus)* in Wyoming under the Endangered Species Act of 1973, as amended. Pursuant to the United States Court of Appeals for the District of Columbia Circuit order dated March 3, 2017, and mandate dated April 25, 2017, this rule again removes gray wolves in Wyoming from the List of Endangered and Threatened Wildlife.

DATES: This action is effective May 1, 2017. The United States Court of Appeals for the District of Columbia Circuit order dated March 3, 2017, and mandate dated April 25, 2017, removing Federal protections for the gray wolf in Wyoming had legal effect immediately upon filing of the mandate.

ADDRESSES: This final rule is available electronically at *http://www.regulations.gov* in Docket No. FWS–R6–ES–2017–0025. It will also be available for inspection, by appointment, during normal business hours at U.S. Fish and Wildlife Service, Mountain-Prairie Regional Office, Ecological Services Division, 134 Union Blvd., Lakewood, CO 80228; telephone (303) 236–7400. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339.

FOR FURTHER INFORMATION CONTACT: For information on wolves in Wyoming, contact Tyler Abbott, Wyoming Field Office Supervisor, U.S. Fish and Wildlife Service, 5353 Yellowstone Rd., Suite 308A, Cheyenne, WY 82009; telephone (307) 772–2374. Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800–877–8337 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Background

The Federal List of Endangered and Threatened Wildlife (List), which is authorized by the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), is located in title 50 of the Code of Federal Regulations in part 17 (50 CFR 17.11(h)). On September 10, 2012, we published a final rule to remove the gray wolf in Wyoming from the List and remove this population's status as a nonessential experimental population under the ESA (77 FR 55530; ''2012 final rule''). Additional background information on the gray wolf in Wyoming and on this decision, including previous Federal actions, can be found in our 2012 final rule at *http://www.regulations.gov* in Docket No. FWS–R6–ES–2011–0039, or at *https://www.fws.gov/mountain-prairie/es/grayWolf.php.*

Various groups filed lawsuits challenging our 2012 final rule. On September 23, 2014, the U.S. District Court for the District of Columbia vacated and set aside our 2012 final rule (*Defenders of Wildlife* v. *Jewell,* 68 F. Supp. 3d 193 (D.D.C. 2014)) and reinstated our April 2, 2009 (74 FR 15123), final rule that protected gray wolves in Wyoming as a nonessential experimental population under the ESA. On December 1, 2014, the United States appealed the District Court's decision to the U.S. Court of Appeals for the District of Columbia Circuit. Pending the appeal, and consistent with the District Court's September 23, 2014, order, we published a final rule reinstating the April 2, 2009, final rule protecting the gray wolf in Wyoming (80 FR 9218, February 20, 2015).

On March 3, 2017, the U.S. Court of Appeals, in a unanimous opinion, reversed the ruling of the U.S. District Court *Defenders of Wildlife* v. *Zinke,* No. 14–5300 (D.C. Cir. March 3, 2017). On April 25, 2017, the U.S. Court of Appeals issued its mandate consistent with its March 3, 2017, opinion reversing the U.S. District Court's vacatur of our 2012 final rule for gray wolves in Wyoming. The issuance of the mandate makes the delisting go into effect. To the extent that a regulatory change is required to effectuate the delisting, we are doing so now. Therefore, this rule amends the List of Endangered and Threatened Wildlife by removing gray wolves in Wyoming.

Administrative Procedure

This rulemaking is necessary to comply with the March 3, 2017, court order and April 25, 2017, mandate. Therefore, under these circumstances, the Director has determined, pursuant to 5 U.S.C. 553(b)(3)(B), that prior notice and opportunity for public comment are impractical and unnecessary. The Director has further determined, pursuant to 5 U.S.C. 553(d)(3), that the court order and mandate constitute good cause to make this rule effective upon publication.

Effects of the Rule

Per the March 3, 2017, court order and April 25, 2017, mandate, the protections of the ESA are removed for gray wolves in Wyoming. Additionally, the regulations under section 10(j) of the ESA at 50 CFR 17.84(i) and (n) designating Wyoming as a nonessential experimental population area are also removed.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

To comply with the court order and mandate discussed above, we amend part 17, subchapter B of chapter I, title 50 of the CFR, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

§ 17.11 [Amended]

■ 2. Amend § 17.11(h) by removing the entry for ''Wolf, gray [Northern Rocky Mountain DPS]'' under MAMMALS from the List of Endangered and Threatened Wildlife.

§ 17.84 [Amended]

■ 3. Amend § 17.84 by removing and reserving paragraphs (i) and (n).

Dated: March 28, 2017.

James K. Kurth,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2017–08720 Filed 4–28–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 150105004–5355–01]

RIN 0648–XF377

Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Possession and Trip Limit Implementation for the Common Pool Fishery

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

ACTION: Temporary rule; possession and trip limit implementation.

SUMMARY: This action sets the initial possession and trip limits for Northeast multispecies common pool vessels for the 2017 fishing year. The regulations authorize the Regional Administrator to implement trip limits for common pool vessels in order to prevent exceeding the pertinent common pool quotas. This action is intended to optimize the harvest of Northeast regulated multispecies.

DATES: The possession and trip limit implementation is effective at 0001 hours on May 1, 2017, through April 30, 2018.

FOR FURTHER INFORMATION CONTACT: Spencer Talmage, Fishery Management Specialist, 978–281–9232.

SUPPLEMENTARY INFORMATION: The regulations at § 648.86(o) authorize the Regional Administrator (RA) to implement possession and trip limits for common pool vessels in order to prevent the overharvest of common pool quotas. Effective May 1, 2017, this action sets the initial possession and trip limits for the 2017 fishing year, as summarized in Tables 1 and 2 below. These possession and trip limits were developed after considering any changes to the common pool quota, preliminary 2017 sector rosters, and 2016 catch rates. These adjustments are intended to facilitate optimized harvest of the common pool quotas and prevent early trimester closures.

The initial 2017 possession and trip limits are the same as the initial 2016 limits, with the exception of four stocks (Georges Bank (GB) cod, Gulf of Maine (GOM) haddock, Southern New England/Mid-Atlantic (SNE/MA) yellowtail flounder, and witch flounder). The initial possession and trip limit for GB cod outside the Eastern U.S./Canada area and witch flounder are reduced relative to initial 2016 possession and trip limits to prevent early stock area closures in Trimester 1 as occurred in 2016. For GOM haddock and SNE/MA yellowtail flounder, the initial 2017 limits are higher than the initial 2016 limits to allow additional opportunities given that quota utilization was low for these stocks in 2016.

For Handgear A and Handgear B vessels, possession and trip limits for GB and GOM cod are tied to the possession and trip limits for groundfish days-at-sea (DAS) vessels. The default cod trip limit is 300 lb (136 kg) for Handgear A vessels and 75 lb (34 kg) for Handgear B vessels. If the GOM or GB cod landing limit for vessels fishing on a groundfish DAS drops below 300 lb (136 kg), then the respective Handgear A cod trip limit must be reduced to the same limit. Similarly, the Handgear B trip limit must be adjusted proportionally (rounded up to the nearest 25 lb (11 kg)) to the DAS limit. This action sets the trip limit of GOM cod to 25 lb (11 kg) per DAS, up to 100 lb (45 kg) per trip for vessels fishing on a groundfish DAS, which is 97 percent lower than the default limit specified in the regulations for these vessels (800 lb (363 kg) per DAS). As a result, the Handgear A and Handgear B trip limit for GOM cod is 25 lb (11 kg) per trip. This action sets the possession and trip limit of GB cod at 250 lb (136 kg) per DAS, up to 500 lb (227 kg) per trip for vessels fishing on a groundfish DAS outside the Eastern U.S./Canada Area. As a result, the Handgear A trip limit for GB cod is also set at 250 lb (136 kg) per trip, and the Handgear B trip limit is 25 lb (11 kg) per trip.

Weekly quota monitoring reports for the common pool fishery can be found on our Web site at: *http://www.greateratlantic.fisheries.noaa.gov/ro/fso/MultiMonReports.htm*. We will continue to monitor common pool catch through vessel trip reports, dealer-reported landings, vessel monitoring system catch reports, and other available information and, if necessary, we will make additional adjustments to common pool management measures.

TABLE 1—INITIAL 2016 AND INITIAL 2017 COMMON POOL POSSESSION AND TRIP LIMITS

Stock	2016 Trip limit	2017 Trip limit
GB Cod (outside Eastern U.S./Canada Area).	500 lb (227 kg) per DAS, up to 2,500 lb per (1,134 kg) per trip.	250 lb (113 kg) per DAS, up to 500 lb per (227 kg) per trip.
GB Cod (inside Eastern U.S./Canada Area).	100 lb (45 kg) per DAS, up to 500 lb (227 kg) per trip ..	100 lb (45 kg) per DAS, up to 500 lb (227 kg) per trip.
GOM Cod	25 lb (11 kg) per DAS, up to 100 lb (45 kg) per trip	25 lb (11 kg) per DAS, up to 100 lb (45 kg) per trip.
GB Haddock	100,000 lb (45,359 kg) per trip	100,000 lb (45,359 kg) per trip.
GOM Haddock	200 lb (91 kg) per DAS up to 600 lb (272 kg) per trip ...	500 lb (227 kg) per DAS up to 1,000 lb (454 kg) per trip.
GB Yellowtail Flounder	100 lb (45 kg) per trip	100 lb (45 kg) per trip.
SNE/MA Yellowtail Flounder	250 lb (113 kg) per DAS, up to 500 lb (227 kg) per trip	500 lb (227 kg) per DAS, up to 1,000 lb (454 kg) per trip.
Cape Cod (CC)/GOM Yellowtail Flounder.	750 lb (340 kg) per DAS up to 1,500 lb (680 kg) per trip.	750 lb (340 kg) per DAS up to 1,500 lb (680 kg) per trip.
American plaice	1,000 lb (454 kg) per trip	1,000 lb (454 kg) per trip.
Witch Flounder	250 lb (113 kg) per trip	150 lb (68 kg) per trip.
GB Winter Flounder	250 lb (113 kg) per trip	250 lb (113 kg) per trip.
GOM Winter Flounder	2,000 lb (907 kg) per trip	2,000 lb (907 kg) per trip.
SNE/MA Winter Flounder	2,000 lb (907 kg) per DAS, up to 4,000 lb (1,814 kg) per trip.	2,000 lb (907 kg) per DAS, up to 4,000 lb (1,814 kg) per trip.

TABLE 1—INITIAL 2016 AND INITIAL 2017 COMMON POOL POSSESSION AND TRIP LIMITS—Continued

Stock	2016 Trip limit	2017 Trip limit
Redfish	Unlimited	Unlimited.
White hake	1,500 lb (680 kg) per trip	1,500 lb (680 kg) per trip.
Pollock	Unlimited	Unlimited.
Atlantic Halibut	1 fish per trip	1 fish per trip.
Windowpane Flounder	Possession Prohibited	Possession Prohibited.
Ocean Pout		
Atlantic Wolffish		

TABLE 2—INITIAL 2016 AND INITIAL 2017 FISHING YEAR COD TRIP LIMITS FOR HANDGEAR A, HANDGEAR B, AND SMALL VESSEL CATEGORY PERMITS

Permit	Initial 2016 trip limit	Initial 2017 trip limit
Handgear A GOM Cod	25 lb (11 kg) per trip	25 lb (11 kg) per trip.
Handgear A GB Cod	300 lb (136 kg) per trip	250 lb (113 kg) per trip.
Handgear B GOM Cod	25 lb (11 kg) per trip	25 lb (11 kg) per trip.
Handgear B GB Cod	25 lb (11 kg) per trip	25 lb (11 kg) per trip.
Small Vessel Category	300 lb of cod, haddock, and yellowtail flounder combined; additionally, vessels are limited to the common pool DAS limit for all stocks..	300 lb of cod, haddock, and yellowtail flounder combined; additionally, vessels are limited to the common pool DAS limit for all stocks.

As a reminder, Table 3 includes the common pool trimester Total Allowable Catches (TACs) for fishing year 2017. These trimester TACs are based on preliminary sector rosters. However, individual permit holders have until the end of the 2016 fishing year (April 30, 2017) to drop out of a sector and fish in the common pool fishery for the 2017 fishing year. Therefore, it is possible that the sector and common pool catch limits, including the trimester TACs, may change due to changes in sector rosters. If changes to sector rosters occur, updated catch limits and/or possession and trip limits will be announced as soon as possible in the 2017 fishing year to reflect the final sector rosters as of May 1, 2017. The regulations also require that any overages of the common pool quota be deducted from the respective quota in the following fishing year. If final fishing year 2016 catch information indicates the common pool exceeded its quota for any stock, we would reduce the common pool quota, as required, in a future action.

Additionally, we are working to publish a proposed rule for Framework Adjustment 56. If approved, Framework 56 would substantively increase the 2017 catch limit for witch flounder. In the Framework 56 proposed rule, we intend to propose a change to the common pool trip limit for witch flounder consistent with the recommended quota increase.

TABLE 3—COMMON POOL TRIMESTER TOTAL ALLOWABLE CATCHES FOR FISHING YEAR 2017

[mt, live weight]

Stock	Percentage of quota			2017		
	Trimester 1	Trimester 2	Trimester 3	Trimester 1	Trimester 2	Trimester 3
GB Cod	25	37	38	2.9	4.4	4.5
GOM Cod	27	36	37	2.7	3.6	3.7
GB Haddock	27	33	40	84.3	103.0	124.8
GOM Haddock	27	26	47	10.0	9.6	17.3
GB Yellowtail Flounder	19	30	52	0.8	1.3	2.2
SNE/MA Yellowtail Flounder	21	37	42	7.2	12.7	14.4
CC/GOM Yellowtail Flounder	35	35	30	5.5	5.5	4.7
American Plaice	24	36	40	5.2	7.8	8.7
Witch Flounder	27	31	42	2.3	2.7	3.6
GB Winter Flounder	8	24	69	0.4	1.2	3.3
GOM Winter Flounder	37	38	25	12.6	12.9	8.5
Redfish	25	31	44	14.3	17.7	25.1
White Hake	38	31	31	9.8	8.0	8.0
Pollock	28	35	37	32.5	40.6	42.9

Classification

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

The Assistant Administrator for Fisheries, NOAA, finds good cause pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(3) to waive prior notice and the opportunity for public comment and the 30-day delayed effectiveness period because it would be contrary to the public interest. The regulations at § 648.86(o) authorize the RA to adjust the Northeast multispecies possession and trip limits for common pool vessels in order to prevent the overharvest or underharvest of the pertinent common pool quotas. This action sets the initial common pool possession and trip limits on May 1, 2017, for the 2017 fishing year. The possession and trip limits

implemented through this action help to ensure that the Northeast multispecies common pool fishery may achieve the optimum yield (OY) for the relevant stocks, while controlling catch to help prevent inseason closures or quota overages. Delay of this action would leave the common pool fishery with no possession or trip limits to control catch and would likely lead to early closure of a trimester and quota overages. Any overage of catch must be deducted from the Trimester 3 quota, which could substantially disrupt the trimester structure and intent to distribute the fishery across the entire fishing year. An overage reduction in Trimester 3 would further reduce fishing opportunities for common pool vessels and likely result in early closure of Trimester 3.

This would undermine management objectives of the Northeast Multispecies Fishery Management Plan and cause unnecessary negative economic impacts to the common pool fishery.

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

Dated: April 26, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–08809 Filed 4–27–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 161020985–7181–02]

RIN 0648–XF389

Fisheries of the Exclusive Economic Zone Off Alaska; Greenland Turbot in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Greenland turbot in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2017 Greenland turbot initial total allowable catch (ITAC) in the Aleutian Islands subarea of the BSAI.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), May 1, 2017, through 2400 hrs, A.l.t., December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Steve Whitney, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2017 Greenland turbot ITAC in the Aleutian Islands subarea of the BSAI is 106 metric tons (mt) as established by the final 2017 and 2018 harvest specifications for groundfish in the BSAI (82 FR 11826, February 27, 2017). The Regional Administrator has determined that the 2017 ITAC for Greenland turbot in the Aleutian Islands subarea of the BSAI is necessary to account for the incidental catch of this species in other anticipated groundfish fisheries for the 2017 fishing year. Therefore, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the directed fishing allowance for Greenland turbot in the Aleutian Islands subarea of the BSAI as zero mt. Consequently, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for Greenland turbot in the Aleutian Islands subarea of the BSAI.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Greenland turbot in the Aleutian Islands subarea of the BSAI. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as April 25, 2017.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: April 26, 2017.

Karen H. Abrams,

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

[FR Doc. 2017–08750 Filed 4–28–17; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 82
Monday, May 1, 2017

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0330; Directorate Identifier 2017–NM–016–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 737–300, –400, and –500 series airplanes. This proposed AD would require repetitive inspections for cracking in the skin lap splice at the lower fastener row, and repair if necessary. This AD was prompted by an evaluation by the design approval holder (DAH) indicating that the lower skin at the skin lap splice lower fastener row is subject to widespread fatigue damage (WFD). We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by June 15, 2017.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110 SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. Boeing Alert Service Bulletin 737–53A1365, dated January 23, 2017, is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0330.

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–2017–0330; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: James Guo, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *james.guo@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0330; Directorate Identifier 2017–NM–016–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

Fatigue damage can occur locally, in small areas or structural design details, or globally, in widespread areas. Multiple-site damage is widespread damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Widespread damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site damage and multiple-element damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane. This condition is known as WFD. It is associated with general degradation of large areas of structure with similar structural details and stress levels. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule (75 FR 69746, November 15, 2010) does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

We received a report indicating that, during window belt replacements, cracking was found in the lower skin at the stringer S–14 lap splice lower row between station (STA) 360 and STA 540, and between STA 727 and STA 908, on a Model 737–300 airplane. An additional 51 airplanes were inspected and 22 crack indications were reported on airplanes with 42,358 to 48,188 total flight cycles and 53,490 to 58,796 total flight hours. We are issuing this AD to detect and correct cracks in the lower skin which, if not detected, could link up, resulting in reduced structural integrity of the airplane and consequent uncontrolled decompression of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 737–53A1365, dated January 23, 2017. The service information describes procedures for eddy current inspections for cracking at the skin lap splice in the lower fastener row, and repair if necessary. 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.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the Service Information.'' For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0330.

Differences Between This Proposed AD and the Service Information

Boeing Alert Service Bulletin 737–53A1365, dated January 23, 2017, specifies to contact the manufacturer for certain instructions, but this proposed AD would require using repair methods, modification deviations, and alteration deviations in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Costs of Compliance

We estimate that this proposed AD affects 126 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	84 work-hours × $85 per hour = $7,140 per inspection cycle.	$0	$7,140 per inspection cycle ...	$899,640 per inspection cycle.

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2017–0330; Directorate Identifier 2017–NM–016–AD.

(a) Comments Due Date

We must receive comments by June 15, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–300, –400, –500 airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 737–53A1365, dated January 23, 2017.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an evaluation by the design approval holder indicating that the lower skin at the skin lap splice lower fastener row is subject to widespread fatigue damage. We are issuing this AD to detect and correct cracks in the lower skin, which, if not detected, could link up, resulting in reduced structural integrity of the airplane and consequent uncontrolled decompression of the airplane.

(f) Compliance

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

(g) Repetitive Inspections

Except as provided by paragraph (i) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1365, dated January 23, 2017: Do external eddy current inspections at stringer S–14 on the left and right sides of the airplane (S–14L and S–14R) for any crack in the skin lap splice at the lower fastener row, in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 737–53A1365, dated January 23, 2017. Repeat the inspections thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1365, dated January 23, 2017.

(h) Repair

If any crack is found during any inspection required by paragraph (g) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (j) of this AD. Although Boeing Alert Service Bulletin 737–53A1365, dated January 23, 2017, specifies to contact Boeing for appropriate action and specifies that action as ''RC'' (Required for Compliance), this AD requires repair as specified in this paragraph.

(i) Exceptions to Service Information Specifications

(1) Where Boeing Alert Service Bulletin 737–53A1365, dated January 23, 2017, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(2) The Condition column of Table 1 and Table 2 of paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 737–53A1365, dated January 23, 2017, refers to total flight cycles ''at the original issue date of this service bulletin.'' This AD, however, applies to the airplanes with the specified total flight cycles as of the effective date of this AD.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Los Angeles Aircraft Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in paragraph (k)(1) of this AD. Information may be emailed to: *9-ANM-LAACO-AMOC-Requests@faa.gov.*

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

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Los Angeles ACO, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) Except as required by paragraph (h) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(4)(i) and (j)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(k) Related Information

(1) For more information about this AD, contact James Guo, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles ACO, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5357; fax: 562–627–5210; email: *james.guo@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on April 24, 2017.

Michael Kaszycki,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–08708 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0297; Airspace Docket No. 16–AWP–4]

Proposed Establishment of Class E Airspace, Hawthorne, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface at Hawthorne Industrial Airport, Hawthorne, NV, to support the development of Instrument Flight Rules (IFR) operations under standard instrument approach and departure procedures at the airport, for the safety of aircraft and management of airspace within the National Airspace System.

DATES: Comments must be received on or before June 15, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2017–0297; Airspace Docket No. 16–AWP–4, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

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

6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0297/Airspace Docket No. 16–AWP–4''. The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Availability and Summary of Documents Proposed for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 3.6-mile radius of Hawthorne Industrial Airport, Hawthorne, NV, and within 2 miles either side of a curved line extending southeast to approximately 15 miles east of the airport. This airspace is necessary to support IFR operations in standard instrument approach and departure procedures at the airport.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

AWP NV E5 Hawthorne, NV [New]

Hawthorne Industrial Airport, NV
(Lat. 38°32′42″ N., long. 118°37′57″ W.)

That airspace extending upward from 700 feet above the surface within 3.6 miles of the Hawthorne Industrial Airport and within 2 miles each side of a line extending from lat. 38°32′25″ N., long. 118°37′26″ W.; to lat. 38°28′43″ N., long. 118°27′48″ W.; to lat. 38°28′49″ N., long. 118°24′19″ W.; to lat. 38°32′06″ N., long. 118°18′07″ W.

Issued in Seattle, Washington, on April 21, 2017.

Sam S.L. Shrimpton,

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

[FR Doc. 2017–08748 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0047; FRL–9961–49–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Requirements for Continuous Emission Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the State of Maryland. This revision pertains to removing a discontinued Technical Memorandum 90–01 (TM 90–01) from Maryland's SIP, which is now superseded by a new continuous emission monitoring (CEM) regulation. Maryland previously used TM 90–01 to govern the CEM requirements for fuel burning equipment. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before May 31, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0047 at *https://www.regulations.gov,* or via email to *rehn.brian@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. For either manner of submission, EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

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

SUPPLEMENTARY INFORMATION:

I. Background

In May 2010, the State of Maryland through the Maryland Department of the Environment (MDE) discontinued the use of TM 90–01 ''Continuous Emission Monitoring Policies and Procedures'' and codified these requirements for CEMs in Maryland regulation COMAR 26.11.01.11 ''Continuous Emission Monitoring Requirements.'' MDE had been in the process of establishing unique requirements for CEMs, separate from the requirements for continuous opacity monitors (COMs), and broke out the requirements into separate COMAR regulations. On November 7, 2016 (81 FR 78048), EPA approved these separate regulations into Maryland's SIP.

II. Summary of SIP Revision and EPA Evaluation

On July 1, 2016, MDE submitted a SIP revision to remove discontinued TM 90–01 from Maryland's SIP because TM 90–01 had been superseded by COMAR 26.11.01.11. EPA previously approved TM 90–01 into Maryland's SIP on February 28, 1996. *See* 61 FR 7418. MDE also submitted a revised version of COMAR 26.11.10.06 ''Control of Volatile Organic Compounds from Iron and Steel Production Installations'' for inclusion in the Maryland SIP which removed a reference to TM 90–01 in section C(3)(b) of COMAR 26.11.10.06 and added a reference to COMAR 26.11.01.11 in COMAR 26.11.10.06.

On November 7, 2016 (81 FR 78048), EPA approved COMAR 26.11.01.11 into the Maryland SIP. This newly SIP approved regulation establishes general requirements, quality assurance provisions, and monitoring and compliance requirements for the installation of CEMs for each of the applicable source categories. TM 90–01 previously had addressed quality assurance provisions for CEMs and had also established levels of enforcement actions for Maryland for visible emissions exceedances based on a source's operating time during a calendar quarter, and allowed exceedances to occur without follow up enforcement for up to 10 percent of a source's operating time in addition to an existing 6-minute exclusion. Maryland's CEM quality assurance requirements are now in COMAR 26.11.01.11 which is in the Maryland SIP. The removal of TM 90–01, which contained enforcement exclusions related to the number of violations and data availability from CEMs and COMs, strengthens enforcement of Maryland's visible emissions standards. COMAR 26.11.01.11 does not contain any exclusions for the operation of CEMs.

Therefore, EPA is removing a moot memorandum from the SIP which has already been replaced by a regulatory requirement and thus this removal will not interfere with any CAA requirement, with any national ambient air quality standard (NAAQS), or with any reasonable further progress and the removal meets requirements in section 110(l) of the CAA. Due to the removal of TM 90–01, MDE has also removed a reference to TM 90–01 in COMAR 26.11.10.06 in section C(3)(b) and added a reference to COMAR 26.11.01.11 which EPA finds appropriate. This amendment to COMAR 26.11.10.06 will also be reflected in the SIP.

III. Proposed Action

EPA is proposing to approve the July 1, 2016 Maryland SIP revision submittal, which seeks removal of discontinued TM 90–01 from the Maryland SIP in accordance with section 110 of the CAA. The CEM requirements for quality assurance, monitoring and other technical requirements under discontinued TM 90–01 have been superseded and codified under COMAR 26.11.01.11. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

IV. Incorporation by Reference

In this proposed rulemaking, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference COMAR 26.11.01.11 in the amendment to COMAR

26.11.10.06C(3)(b), as previously discussed in section II in this rulemaking. EPA has made, and will continue to make, these materials generally available through *http://www.regulations.gov* and/or at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

V. Statutory and Executive Order Reviews

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

In addition, this proposed rulemaking to remove discontinued TM 90–01 from Maryland's SIP and include revised COMAR 26.11.10.06 in the SIP does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not 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, Volatile organic compounds.

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

Dated: April 3, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2017–08656 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2017–0024; A–1–FRL–9961–41–Region 1]

Air Plan Approval; ME; Emission Statement Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a State Implementation Plan (SIP) revision submitted by the State of Maine. The revision updates Maine's emissions reporting requirements for certain stationary sources that emit criteria pollutants. The intended effect of this action is to approve the revision into the Maine SIP. This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before May 31, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2017–0024 at *http://www.regulations.gov,* or via email to *Mackintosh.David@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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: David L. Mackintosh, Air Quality Planning Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, (Mail code OEP05–2), Boston, MA 02109–3912, tel. 617–918–1584, fax 617–918–0668, email *Mackintosh.David@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

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

Dated: March 16, 2017.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

[FR Doc. 2017–08654 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2016–0092; FRL–9961–56–Region 1]

Air Plan Approval; Rhode Island; Repeal of NO_X Budget Trading Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a State Implementation Plan (SIP) revision submitted by the State of Rhode Island. This revision removes Air Pollution Control (APC) Regulation 41, entitled ''NO_X Budget Trading Program'' (Rhode Island NBP) from the Rhode Island SIP. The Rhode Island NBP was a market-based cap and trade program, which was created to reduce emissions of nitrogen oxides (NO_X) from power plants and other large combustion sources in response to EPA's 1998 NO_X SIP Call. By 2009, EPA's Clean Air Interstate Rule (CAIR) had effectively replaced NO_X Budget Trading Programs in eastern states. CAIR has since been replaced by the Cross-State Air Pollution Rule (CSAPR), which was first implemented on January 1, 2015. Rhode Island was not covered by CAIR or CSAPR. The State's NBP was repealed under state law effective July 29, 2014. The five sources meeting the NBP applicability criteria have Title V permits, which contain SIP-derived NO_X emissions limits, that limit their NO_X emissions below the maximum emissions (936 tons) that were allowed under the Rhode Island NBP and, therefore, the requirements of the NO_X SIP Call are satisfied by the emissions limits contained in those sources' permits. This renders Regulation 41 unnecessary. This action is being taken in accordance with the Clean Air Act.

DATES: Written comments must be received on or before May 31, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2016–0092 at *http://www.regulations.gov,* or via email to *arnold.anne@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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Alison C. Simcox, Air Quality Planning Unit, Air Programs Branch (Mail Code OEP05–02), U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts 02109–3912; (617) 918–1684; *simcox.alison@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

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

Dated: March 23, 2017.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

[FR Doc. 2017–08660 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2016–0648; A–1–FRL–9958–36–Region 1]

Air Plan Approval; CT; Approval of Single Source Orders

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Connecticut. The revisions establish reasonably available control technology (RACT) for two facilities that emit volatile organic compounds (VOCs) in the state. Additionally, we are also proposing to approve Connecticut's request to withdraw seven previously-approved single source orders from the SIP.

DATES: Written comments must be received on or before May 31, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OAR–2016–0648 at *http://www.regulations.gov,* or via email to Anne Arnold at: *arnold.anne@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 *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Bob McConnell, Environmental Engineer, Air Quality Planning Unit, Air Programs

Branch (Mail Code OEP05–02), U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Boston, Massachusetts 02109–3912; (617) 918–1046; *mcconnell.robert@epa.gov.*

SUPPLEMENTARY INFORMATION: In the Final Rules Section of this **Federal Register**, EPA is approving the State's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment.

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

Dated: December 27, 2016.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

[FR Doc. 2017–08644 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0096; FRL–9961–55–Region 9]

Approval of California Air Plan Revisions, Eastern Kern Air Pollution Control District and Imperial County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the Eastern Kern Air Pollution Control District (EKAPCD) and Imperial County Air Pollution Control District (ICAPCD) portions of the California State Implementation Plan (SIP). These revisions were submitted by the California Air Resources Board (CARB) in response to EPA's May 22, 2015 finding of substantial inadequacy and SIP call for certain provisions in the SIP related to affirmative defenses applicable to excess emissions during startup, shutdown, and malfunction (SSM) events. EPA is proposing approval of the SIP revisions because the Agency has determined that they are in accordance with the requirements for SIP provisions under the Clean Air Act (CAA or the Act).

DATES: Any comments must arrive by May 31, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–OAR–2017–0096 at *https://www.regulations.gov,* or via email to Andrew Steckel, Rulemaking Office Chief at *Steckel.Andrew@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited 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: Christine Vineyard, EPA Region IX, (415) 947–4125, vineyard.christine@epa.gov.

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

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I. What action is the EPA proposing today?
II. What is the background for the EPA's proposed action?
III. Why is the EPA proposing this action?
IV. Proposed Action
V. Statutory and Executive Order Reviews

I. What action is the EPA proposing today?

The EPA is proposing to approve revisions to the California SIP. The revisions will remove from the EKAPCD and ICAPCD portions of the California SIP provisions related to affirmative defenses that sources could assert in the event of enforcement actions for violations of SIP requirements during SSM events. Removal of the affirmative defense provisions from the SIP will make the EKAPCD and ICAPCD portions of the SIP consistent with CAA requirements with respect to this issue. EKAPCD and ICAPCD are retaining the affirmative defenses solely for state law purposes, outside of the EPA approved SIP. Removal of the affirmative defenses from the SIP is also consistent with the EPA policy for exclusion of ''state law only'' provisions from SIPs, and will serve to minimize any potential confusion about the inapplicability of the affirmative defense provisions in federal court enforcement actions. Table 1 lists the rules addressed by this proposal with the dates on which each rule was rescinded by the EKAPCD or ICAPCD and submitted by CARB in response to EPA's final action entitled ''State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction,'' 80 FR 33839 (June 12, 2015), hereafter referred to as the ''SSM SIP Action.''

TABLE 1—SUBMITTED RULES

Local agency	Rule #	Rule title	Rescinded	Submitted
EKAPCD	111	Equipment Breakdown	11/10/16	12/06/16
ICAPCD	111	Equipment Breakdown	09/22/15	03/28/16

On January 12, 2017, the EPA determined that the submittal for EKAPCD Rule 111 met the completeness criteria in 40 CFR part 51 Appendix V, and on September 28, 2016, the submittal for ICAPCD Rule 111 was deemed complete by operation of law under 40 CFR part 51 Appendix V. The completeness criteria must be met before formal EPA review of the submittals for approvability in accordance with applicable CAA requirements.

II. What is the background for the EPA's proposed action?

On June 12, 2015, pursuant to CAA section 110(k)(5), the EPA published the final SSM SIP Action finding that certain SIP provisions in 36 states were substantially inadequate to meet CAA requirements and called on those states to submit SIP revisions to address those inadequacies. 80 FR 33839. As required by the CAA, the EPA established a reasonable deadline (not to exceed 18 months) by which the affected states must submit such SIP revisions. In accordance with the SSM SIP Action, states were required to submit corrective revisions to their SIPs by November 22, 2016. The EPA's reasoning, legal authority, and responsibility under the CAA for issuing the SIP call to California can be found in the SSM SIP Action.

In the SSM SIP Action, the EPA determined that EKAPCD Rule 111 and ICAPCD Rule 111 include elements of an affirmative defense for excess emissions during malfunctions. Specifically, EKAPCD Rule 111 and ICAPCD Rule 111 contain affirmative defense provisions that preclude enforcement for excess emissions that would otherwise constitute a violation of the applicable SIP emission limitations. The EPA concluded that EKAPCD Rule 111 and ICAPCD Rule 111 operate to alter or affect the jurisdiction of federal courts in the event of an enforcement action, contrary to the enforcement structure of the CAA in section 113 and section 304. See 80 FR 33972 (June 12, 2015).

On March 28, 2016 and December 6, 2016, ICAPCD and EKAPCD, respectively, made submittals in response to the SSM SIP Action. As noted above, the EPA found these submittals complete on September 28, 2016 and January 12, 2017, respectively. In the submittals, EKAPCD and ICAPCD requested that EPA revise the California SIP by removing EKAPCD Rule 111 and ICAPCD Rule 111 in their entirety from the California SIP. This approach is consistent with the EPA's interpretation of CAA requirements for SIP provisions.

III. Why is the EPA proposing this action?

In the SSM SIP Action, the EPA made a finding of substantial inadequacy and issued a SIP call with respect to EKAPCD Rule 111 and ICAPCD Rule 111 pursuant to CAA section 110(k)(5). In response, CARB submitted SIP revisions requesting the EPA to remove EKAPCD Rule 111 and ICAPCD Rule 111 from the California SIP in their entirety. Affirmative defense provisions like these are inconsistent with CAA requirements and removal of these provisions would strengthen the SIP. This action, if finalized, would remove the affirmative defense provisions from the EKAPCD and ICAPCD portions of the EPA-approved SIP for California. The EPA is proposing to find that these revisions are consistent with CAA requirements and that they adequately address the specific SIP deficiencies that the EPA identified in the SSM SIP Action with respect to the EKAPCD and ICAPCD portions of the California SIP.

IV. Proposed Action

The EPA is proposing to approve the California SIP revisions removing EKAPCD Rule 111 and ICAPCD Rule 111 from the EKAPCD and ICAPCD portions of the California SIP. The EPA is proposing approval of the SIP revisions because the Agency has determined that they are in accordance with the requirements for SIP provisions under the CAA. The EPA is not reopening the SSM SIP Action in this action and is taking comment only on whether this SIP revision is consistent with CAA requirements and whether it addresses the ''substantial inadequacy'' of the specific California SIP provisions identified in the SSM SIP Action.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve SIP submissions that comply with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely proposes to approve state requests 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 the 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 SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, 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.*

Dated: March 29, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2017–08666 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R04–OAR–2016–0601; FRL–9961–32–Region 4]

Air Plan Approval and Designation of Areas; KY; Redesignation of the Kentucky Portion of the Cincinnati-Hamilton 2008 8-Hour Ozone Nonattainment Area to Attainment

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: On August 26, 2016, the Commonwealth of Kentucky, through the Kentucky Energy and Environment Cabinet, Division for Air Quality (DAQ), submitted a request for the Environmental Protection Agency (EPA) to redesignate the Kentucky portion of the tri-state Cincinnati-Hamilton, Ohio-Kentucky-Indiana 2008 8-hour ozone nonattainment area (hereinafter referred to as the ''Cincinnati-Hamilton, OH-KY-IN Area'' or ''Area'') to attainment for the 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) and to approve the portions of the State Implementation Plan (SIP) revision containing a maintenance plan and base year emissions inventory for the Area. EPA is proposing to approve the Commonwealth's base year emissions inventory for the Kentucky portion of the Area; to approve the Commonwealth's plan for maintaining attainment of the 2008 8-hour ozone NAAQS in the Area, including motor vehicle emission budgets (MVEBs) for nitrogen oxides (NOx) and volatile organic compounds (VOC) for the years 2020 and 2030 for the Kentucky portion of the Area; and to redesignate the Kentucky portion of the Area to attainment for the 2008 8-hour ozone NAAQS. Through separate actions, EPA has approved the redesignation request and maintenance plan for the Ohio portion of the Area and has proposed to approve the redesignation request and maintenance plan for the Indiana portion of the Area.

DATES: Comments must be received on or before May 31, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2016–0601 at *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Richard Wong, 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. Richard Wong may be reached by phone at (404) 562–8726 or via electronic mail at *wong.richard@epa.gov.*

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IX. Proposed actions
X. Statutory and executive order reviews

I. What are the actions EPA is proposing to take?

EPA is proposing to take the following three separate, but related, actions: (1) To approve the base year emissions inventory for the 2008 8-hour ozone NAAQS for the Kentucky portion of the Area and incorporate it into the Kentucky SIP; (2) to approve Kentucky's plan for maintaining the 2008 8-hour ozone NAAQS (maintenance plan), including the associated MVEBs for the Kentucky portion of the Area, and incorporate it into the SIP; and (3) to redesignate the Kentucky portion of the Area to attainment for the 2008 8-hour ozone NAAQS. The Cincinnati-Hamilton, OH-KY-IN Area is composed of portions of Boone, Campbell, and Kenton Counties in Kentucky; Butler, Clermont, Clinton, Hamilton, and Warren Counties in Ohio; and a portion of Dearborn County in Indiana. These proposed actions are summarized below and described in greater detail throughout this notice of proposed rulemaking.

Based on the 2008 8-hour ozone NAAQS nonattainment designation for the Area, Kentucky was required to develop a nonattainment SIP revision addressing certain CAA requirements. Among other things, the Commonwealth was required to submit a SIP revision addressing base year emissions inventory requirements pursuant to CAA section 182(a)(1) for its portion of the Area. EPA is proposing to approve Kentucky's 2011 base year inventory as satisfying section 182(a)(1).

EPA is also proposing to approve Kentucky's maintenance plan for its portion of the Area as meeting the requirements of section 175A (such approval being one of the Clean Air Act (CAA or Act) criteria for redesignation to attainment status). The maintenance plan is designed to keep the Area in attainment of the 2008 8-hour ozone NAAQS through 2030. The maintenance plan includes 2020 and 2030 MVEBs for NOx and VOC for the Kentucky portion of the Area for transportation conformity purposes. EPA is proposing to approve these MVEBs and incorporate them into the Kentucky SIP.

EPA also proposes to determine that the Kentucky portion of the Area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. Accordingly, in this action, EPA is proposing to approve a request to change the legal designation of the portions of Boone, Campbell, and Kenton Counties within the Kentucky portion of the Area, as found at 40 CFR part 81, from nonattainment to attainment for the 2008 8-hour ozone NAAQS.

EPA is also notifying the public of the status of EPA's adequacy process for the MVEBs for the Kentucky portion of the Area. The Adequacy comment period began on December 6, 2016, with EPA's posting of the availability of Kentucky's submissions on EPA's Adequacy Web site (*https://www.epa.gov/state-and-local-transportation/state-implementation-plans-sip-submissions-currently-under-epa#cincinnati-hamilton-(KY)*). The Adequacy comment period for these MVEBs closed on January 5, 2017. No comments, adverse or otherwise, were received during the Adequacy comment period.

Please see section VII of this proposed rulemaking for further explanation of this process and for more details on the MVEBs.

In summary, today's notice of proposed rulemaking is in response to Kentucky's August 26, 2016, redesignation request and associated SIP submission that address the specific issues summarized above and the necessary elements described in section 107(d)(3)(E) of the CAA for redesignation of the Kentucky portion of the Cincinnati-Hamilton, OH-KY-IN Area to attainment for the 2008 8-hour ozone NAAQS.[1]

II. What is the background for EPA's proposed actions?

On March 12, 2008, EPA revised both the primary and secondary NAAQS for ozone to a level of 0.075 parts per million (ppm) to provide increased protection of public health and the environment. *See* 73 FR 16436 (March 27, 2008). The 2008 ozone NAAQS retains the same general form and averaging time as the 0.08 ppm NAAQS set in 1997, but is set at a more protective level. 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 50.15.

Effective July 20, 2012, EPA designated any area that was violating the 2008 8-hour ozone NAAQS based on the three most recent years (2008–2010) of air monitoring data as a nonattainment area. *See* 77 FR 30088 (May 21, 2012). The Cincinnati-Hamilton, OH-KY-IN Area was designated as a marginal ozone nonattainment area. *See* 40 CFR 81.318. Areas that were designated as marginal nonattainment areas were required to attain the 2008 8-hour ozone NAAQS no later than July 20, 2015, based on 2012–2014 monitoring data. On May 4, 2016 (81 FR 26697), EPA published its determination that the Area had attained the 2008 8-hour ozone NAAQS by the attainment deadline.

III. What are the criteria for redesignation?

The CAA provides the requirements for redesignating a nonattainment area to attainment. Specifically, section 107(d)(3)(E) of the CAA allows for redesignation providing that: (1) The Administrator determines that the area has attained the applicable NAAQS; (2) the Administrator has fully approved the applicable implementation plan for the area under section 110(k); (3) the Administrator determines that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from implementation of the applicable SIP and applicable federal air pollutant control regulations and other permanent and enforceable reductions; (4) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of section 175A; and (5) the state containing such area has met all requirements applicable to the area for purposes of redesignation under section 110 and part D of the CAA.

On April 16, 1992, EPA provided guidance on redesignation in the General Preamble for the Implementation of title I of the CAA Amendments of 1990 (57 FR 13498), and supplemented this guidance on April 28, 1992 (57 FR 18070). EPA has provided further guidance on processing redesignation requests in the following documents:

1. ''Ozone and Carbon Monoxide Design Value Calculations,'' Memorandum from Bill Laxton, Director, Technical Support Division, June 18, 1990;
2. ''Maintenance Plans for Redesignation of Ozone and Carbon Monoxide Nonattainment Areas,'' Memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, April 30, 1992;
3. ''Contingency Measures for Ozone and Carbon Monoxide (CO) Redesignations,'' Memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, June 1, 1992;
4. ''Procedures for Processing Requests to Redesignate Areas to Attainment,'' Memorandum from John Calcagni, Director, Air Quality Management Division, September 4, 1992 (hereinafter referred to as the ''Calcagni Memorandum'');
5. ''State Implementation Plan (SIP) Actions Submitted in Response to Clean Air Act (CAA) Deadlines,'' Memorandum from John Calcagni, Director, Air Quality Management Division, October 28, 1992;
6. ''Technical Support Documents (TSDs) for Redesignation of Ozone and Carbon Monoxide (CO) Nonattainment Areas,'' Memorandum from G. T. Helms, Chief, Ozone/Carbon Monoxide Programs Branch, August 17, 1993;
7. ''State Implementation Plan (SIP) Requirements for Areas Submitting Requests for Redesignation to Attainment of the Ozone and Carbon Monoxide (CO) National Ambient Air Quality Standards (NAAQS) On or After November 15, 1992,'' Memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation, September 17, 1993;
8. ''Use of Actual Emissions in Maintenance Demonstrations for Ozone and CO Nonattainment Areas,'' Memorandum from D. Kent Berry, Acting Director, Air Quality Management Division, November 30, 1993;
9. ''Part D New Source Review (Part D NSR) Requirements for Areas Requesting Redesignation to Attainment,'' Memorandum from Mary D. Nichols, Assistant Administrator for Air and Radiation, October 14, 1994 (hereinafter referred to as the ''Nichols Memorandum''); and
10. ''Reasonable Further Progress, Attainment Demonstration, and Related Requirements for Ozone Nonattainment Areas Meeting the Ozone National Ambient Air Quality Standard,'' Memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, May 10, 1995.

IV. Why is EPA proposing these actions?

On August 26, 2016, Kentucky requested that EPA redesignate the Kentucky portion of the Area to attainment for the 2008 8-hour ozone NAAQS and approve the associated SIP revision submitted on the same date containing the base year inventory and the maintenance plan for the Kentucky portion of the Area. As mentioned above, on May 4, 2016 (81 FR 26697), EPA determined that the entire Cincinnati-Hamilton, OH-KY-IN Area attained the 2008 8-hour ozone NAAQS by the attainment date based on 2012–2014 data. On December 16, 2016 (81 FR 91035), in redesignating the Ohio portion of the Area to attainment, EPA determined that the entire Area continued to attain the standard based on 2013–2015 data.[2] EPA's evaluation indicates that the Kentucky portion of the Area meets the requirements for redesignation as set forth in section 107(d)(3)(E), including the maintenance plan requirements under section 175A of the CAA. Also, based on Kentucky's August 26, 2016, submittal, EPA is proposing to determine that the base year emissions inventory, included in Kentucky's August 26, 2016, submittal, meets the requirements under CAA section 182(a)(1). Approval of the base year emissions inventory is a prerequisite to redesignating an ozone nonattainment area to attainment. As a result of these proposed findings, EPA is proposing to take the actions summarized in section I of this notice.

V. What is EPA's analysis of the redesignation request and August 26, 2016, SIP submission?

As stated above, in accordance with the CAA, EPA proposes to: (1) Approve the 2008 8-hour ozone NAAQS base year emissions inventory for the

[1] While Kentucky's transmittal letter is dated August 5, 2016, the submission was not officially provided to EPA for action until August 26, 2016.

[2] EPA has also proposed to redesignate the Indiana portion of the Area. *See* 81 FR 95081 (December 27, 2016).

Kentucky portion of the Cincinnati-Hamilton, OH-KY-IN Area and incorporate it into the SIP; (2) approve Kentucky's 2008 8-hour ozone NAAQS maintenance plan, including the associated MVEBs, and incorporate it into the Kentucky SIP; and (3) redesignate the Kentucky portion of the Area to attainment for the 2008 8-hour ozone NAAQS. The five redesignation criteria provided under CAA section 107(d)(3)(E) are discussed in greater detail for the Kentucky portion of the Area in section V.B, below.

A. Emissions Inventory

Section 182(a)(1) of the CAA requires states to submit a comprehensive, accurate, and current inventory of actual emissions from all sources of the relevant pollutant or pollutants in each ozone nonattainment area. The section 182(a)(1) base year emissions inventory is defined in the SIP Requirements Rule[3] as ''a comprehensive, accurate, current inventory of actual emissions from sources of NOx and VOC emitted within the boundaries of the nonattainment area as required by CAA section 182(a)(1).'' *See* 40 CFR 51.1100(bb). The inventory year must be selected consistent with the baseline year for an RFP plan as required by 40 CFR 51.1110(b),[4] and the inventory must include actual ozone season day emissions as defined in 40 CFR 51.1100(cc)[5] and contain data elements consistent with the detail required by 40 CFR part 51, subpart A. *See* 40 CFR 51.1115(a), (c), (e). In addition, the point source emissions included in the inventory must be reported according to the point source emissions thresholds of the Air Emissions Reporting Requirements (AERR) in 40 CFR part 51, subpart A. *See* 40 CFR 51.1115(d).

Kentucky selected 2011 as the base year for the CAA section 182(a)(1) emissions inventory which is the year corresponding with the first triennial inventory under 40 CFR part 51, subpart A. The emissions inventory is based on data developed and submitted by DAQ to EPA's 2011 National Emissions Inventory (NEI), and it contains data elements consistent with the detail required by 40 CFR part 51, subpart A.[6]

Kentucky's emissions inventory for its portion of the Area provides 2011 anthropogenic emissions data for NO_X and VOC for the following general source categories: point (Electric Generating Units and Non-Electric Generating Units and aircraft emissions),[7] area, non-road mobile, on-road mobile. All emissions information provided is based on the partial county boundaries, through the applicable census tracts, that comprise the Kentucky portion of the Area. Table 1, below, provides a summary of the emissions inventory.

TABLE 1—2011 POINT, AREA, NON-ROAD MOBILE, AND ON-ROAD MOBILE SOURCES EMISSIONS FOR THE KENTUCKY PORTION OF THE AREA

[tons per typical summer day (tsd)]

County *	Point **		Area		Non-road mobile		On-road mobile	
	NO_X	VOC	NO_X	VOC	NO_X	VOC	NO_X	VOC
Boone County	9.23	2.15	0.43	2.66	1.06	1.49	6.90	3.30
Campbell County	0.17	0.22	0.49	1.29	0.38	0.40	4.30	2.05
Kenton County	0.01	0.51	1.02	2.51	0.77	0.62	6.53	3.12

* Nonattainment portion of each county.
** Includes aircraft emissions.

NO_X and VOC emissions were calculated for a typical summer July day, taking into account the seasonal adjustment factor for summer operations. More detail on the inventory emissions for individual sources categories is provided below and in Appendix C–1 to Kentucky's August 26, 2016, SIP submittal.

Point sources are large, stationary, identifiable sources of emissions that release pollutants into the atmosphere. The inventory contains actual point source emissions data for facilities located within the nonattainment boundary for the Kentucky portion of the Area based on the Kentucky Emissions Inventory database.[8]

Area sources are small emission stationary sources which, due to their large number, collectively have significant emissions (*e.g.,* dry cleaners, service stations). Emissions for these sources were estimated by multiplying an emission factor by such indicators of collective emissions activity as production, number of employees, or population. Indiana Department of Environmental Management (IDEM) provided area source emissions data for each county data for in the entire Area. Data was obtained from the Ozone NAAQS Emissions Modeling Platform (2011 v6.1).

On-road mobile sources include vehicles used on roads for transportation of passengers or freight. Kentucky developed its on-road emissions inventory using EPA's Motor

[3] On March 6, 2015, EPA finalized a rule entitled ''Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements'' (SIP Requirements Rule) that establishes the requirements that state, tribal, and local air quality management agencies must meet as they develop implementation plans for areas where air quality exceeds the 2008 8-hour ozone NAAQS. *See* 80 FR 12264.

[4] 40 CFR 51.1110(b) states that ''at the time of designation for the 2008 ozone NAAQS the baseline emissions inventory shall be the emissions inventory for the most recent calendar year for which a complete triennial inventory is required to be submitted to EPA under the provisions of subpart A of this part. States may use an alternative baseline emissions inventory provided the state demonstrates why it is appropriate to use the alternative baseline year, and provided that the year selected is between the years 2008 to 2012.''

[5] ''Ozone season day emissions'' is defined as ''an average day's emissions for a typical ozone season work weekday. The state shall select, subject to EPA approval, the particular month(s) in the ozone season and the day(s) in the work week to be represented, considering the conditions assumed in the development of RFP plans and/or emissions budgets for transportation conformity.'' *See* 40 CFR 51.1100(cc).

[6] Data downloaded from the EPA EIS from the 2011 NEI was subjected to quality assurance procedures described under *quality assurance details* under *2011 NEI Version 1 Documentation* located at: *http://www.epa.gov/ttn/chief/net/2011inventory.html#inventorydoc.* The quality assurance and quality control procedures and measures associated with this data are outlined in the State's EPA-approved Emission Inventory Quality Assurance Project Plan.

[7] The emissions inventories in Kentucky's submission identify aircraft emissions as a standalone category and refer to these emissions as ''air emissions'' for consistency with the inventories provided by Indiana and Ohio for their respective portions of the Area. Indiana Department of Environmental Management (IDEM) provided aircraft emissions data for Kentucky, and Kentucky included these emissions in Boone County where the Cincinnati/Northern Kentucky International Airport is located. EPA has included these emissions within the point source category per the AERR.

[8] As discussed above, EPA has included aircraft emissions within the point source category per the AERR.

Vehicle Emissions Simulator (MOVES) model with input data from the Ohio-Kentucky-Indiana Regional Council of Governments (OKI).[9] County level on-road modeling was conducted using county-specific vehicle population and other local data. Kentucky developed its inventory according to the current EPA emissions inventory guidance for on-road mobile sources using MOVES version 2014.

Non-road mobile sources include vehicles, engines, and equipment used for construction, agriculture, recreation, and other purposes that do not use roadways (*e.g.,* lawn mowers, construction equipment, and railroad locomotives). IDEM provided non-road mobile source emissions data for each county in the Area. Data was obtained from the Ozone NAAQS Emissions Modeling Platform (2011 v6.1).

For the reasons discussed above, EPA proposes to determine that Kentucky's emissions inventory meets the requirements under CAA section 182(a)(1) and the SIP Requirements Rule for the 2008 8-hour ozone NAAQS. Approval of Kentucky's redesignation request is contingent upon EPA's final approval of the base year emissions inventory for the 2008 8-hour ozone NAAQS.

B. Redesignation Request and Maintenance Demonstration

In accordance with the CAA, EPA proposes to approve the 2008 8-hour ozone NAAQS maintenance plan, including the associated MVEBs, and incorporate it into the Kentucky SIP and to redesignate the Kentucky portion of the Area to attainment for the 2008 8-hour ozone NAAQS. The five redesignation criteria provided under the CAA section 107(d)(3)(E) are discussed in greater detail for the Area in the following paragraphs in this section.

Criteria (1)—The Cincinnati-Hamilton, OH-KY-IN Area has attained the 2008 8-hour ozone NAAQS.

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the area has attained the applicable NAAQS. *See* CAA section 107(d)(3)(E)(i)). For ozone, an area may be considered to be attaining the 2008 8-hour ozone NAAQS if it meets the 2008 8-hour ozone NAAQS, as determined in accordance with 40 CFR 50.15 and Appendix I of part 50, based on three complete, consecutive calendar years of quality-assured air quality monitoring data. To attain this NAAQS, the 3-year average of the fourth-highest daily maximum 8-hour average ozone concentrations measured at each monitor within an area over each year must not exceed 0.075 ppm. Based on the data handling and reporting convention described in 40 CFR part 50, Appendix I, the NAAQS are attained if the design value is 0.075 ppm or below. The data must be collected and quality-assured in accordance with 40 CFR part 58 and recorded in EPA's Air Quality System (AQS). The monitors generally should have remained at the same location for the duration of the monitoring period required for demonstrating attainment.

On May 4, 2016 (81 FR 26697), EPA determined that the Cincinnati-Hamilton, OH-KY-IN Area attained the 2008 8-hour ozone NAAQS by the attainment date. In that action, EPA reviewed complete, quality-assured, and certified monitoring data from monitoring stations in the Area for the 2008 8-hour ozone NAAQS for 2012 through 2014 and determined that the design values for each monitor in the Area are less than the standard of 0.075 ppm for that time period. Further, on December 16, 2016, in association with the redesignation of the Ohio portion of the Area, EPA determined that the Area continued to attain the 2008 8-hour ozone NAAQS based on complete, quality-assured, and certified monitoring data from 2013 through 2015. *See* 81 FR 91035. The fourth-highest 8-hour ozone values at each monitor for 2012, 2013, 2014, 2015, and the 3-year averages of these values (*i.e.,* design values), are summarized in Table 2, below. The 3-year design value for 2013–2015 for the Cincinnati-Hamilton, OH-KY-IN Area is 0.071 ppm,[10] which meets the NAAQS.

TABLE 2—MONITORING DATA AND DESIGN VALUE CONCENTRATIONS FOR THE CINCINNATI-HAMILTON, OH-KY-IN AREA

[ppm]

Location	Site ID	4th Highest 8-hour ozone value (ppm)				3-Year design values (ppm)	3-Year design values (ppm)
		2012	2013	2014	2015	2012–2014	2013–2015
Boone, KY	21–015–0003	0.074	0.059	0.062	0.062	0.065	0.061
Campbell, KY	21–037–3002	0.084	0.072	0.071	0.071	0.075	0.071
Butler, OH	39–017–0004	0.083	0.068	0.070	0.070	0.073	0.069
Butler, OH	39–017–0018	0.084	0.068	0.069	0.070	0.073	0.069
Butler, OH	39–017–9991	0.085	0.069	0.069	0.068	0.074	0.068
Clermont, OH	39–025–0022	0.091	0.066	0.068	0.070	0.075	0.068
Clinton, OH	39–027–1002	0.086	0.064	0.070	0.070	0.073	0.068
Hamilton, OH	39–061–0006	0.087	0.069	0.070	0.072	0.075	0.070
Hamilton, OH	39–061–0010	0.083	0.064	0.073	0.070	0.073	0.069
Hamilton, OH	39–061–0040	0.082	0.069	0.069	0.071	0.073	0.069
Warren, OH	39–165–0007	0.080	0.067	0.071	0.071	0.072	0.069

For this proposed action, EPA has reviewed 2016 preliminary monitoring data for the Area and proposes to find that the preliminary data does not indicate a violation of the NAAQS.[11] EPA will not take final action to approve the redesignation if the 3-year design value exceeds the NAAQS prior to EPA finalizing the redesignation. As discussed in more detail below, the Commonwealth of Kentucky has committed to continue monitoring in the Kentucky portion of the Area in accordance with 40 CFR part 58.

[9] Kentucky used *MOVES2014 technical guidance: Using MOVES to Prepare Emission Inventories in State Implementation Plans and Transportation Conformity, EPA–420–b–15–007* (January 2015).

[10] The design value for an area is the highest 3-year average of the annual fourth-highest daily maximum 8-hour concentration recorded at any monitor in the area.

[11] This data is available at EPA's air data Web site: *http://aqsdr1.epa.gov/aqsweb/aqstmp/airdata/download_files.html#Daily.*

Criteria (2)—Kentucky has a fully approved SIP under section 110(k) for the Kentucky portion of the Area; and Criteria (5)—Kentucky has met all applicable requirements under section 110 and part D of title I of the CAA.

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the state has met all applicable requirements under section 110 and part D of title I of the CAA (CAA section 107(d)(3)(E)(v)) and that the state has a fully approved SIP under section 110(k) for the area (CAA section 107(d)(3)(E)(ii)). EPA proposes to find that Kentucky has met all applicable SIP requirements for the Kentucky portion of the Area under section 110 of the CAA (general SIP requirements) for purposes of redesignation. Additionally, EPA proposes to find that, if EPA approves the base year emissions inventory, the Kentucky SIP satisfies the criterion that it meets applicable SIP requirements for purposes of redesignation under part D of title I of the CAA in accordance with section 107(d)(3)(E)(v) and the SIP is fully approved with respect to all requirements applicable for purposes of redesignation in accordance with section 107(d)(3)(E)(ii). In making these proposed determinations, EPA ascertained which requirements are applicable to the Area and, if applicable, that they are fully approved under section 110(k). SIPs must be fully approved only with respect to requirements that were applicable prior to submittal of the complete redesignation request.

a. The Kentucky Portion of the Cincinnati-Hamilton, OH-KY-IN Area Has Met All Applicable Requirements Under Section 110 and Part D of the CAA

General SIP requirements. General SIP elements and requirements are delineated in section 110(a)(2) of title I, part A of the CAA. These requirements include, but are not limited to, the following: Submittal of a SIP that has been adopted by the state after reasonable public notice and hearing; provisions for establishment and operation of appropriate procedures needed to monitor ambient air quality; implementation of a source permit program; provisions for the implementation of part C requirements (Prevention of Significant Deterioration (PSD)) and provisions for the implementation of part D requirements (NSR permit programs); provisions for air pollution modeling; and provisions for public and local agency participation in planning and emission control rule development.

Section 110(a)(2)(D) requires that SIPs contain certain measures to prevent sources in a state from significantly contributing to air quality problems in another state. To implement this provision, EPA has required certain states to establish programs to address the interstate transport of air pollutants. The section 110(a)(2)(D) requirements for a state are not linked with a particular nonattainment area's designation and classification in that state. EPA believes that the requirements linked with a particular nonattainment area's designation and classifications are the relevant measures to evaluate in reviewing a redesignation request. The transport SIP submittal requirements, where applicable, continue to apply to a state regardless of the designation of any one particular area in the state. Thus, EPA does not believe that the CAA's interstate transport requirements should be construed to be applicable requirements for purposes of redesignation.

In addition, EPA believes that other section 110(a)(2) elements that are neither connected with nonattainment plan submissions nor linked with an area's attainment status are not applicable requirements for purposes of redesignation. The area will still be subject to these requirements after the area is redesignated. The section 110(a)(2) and part D requirements which are linked with a particular area's designation and classification are the relevant measures to evaluate in reviewing a redesignation request. This approach is consistent with EPA's existing policy on applicability (*i.e.,* for redesignations) of conformity and oxygenated fuels requirements, as well as with section 184 ozone transport requirements. *See* Reading, Pennsylvania, proposed and final rulemakings (61 FR 53174–53176, October 10, 1996), (62 FR 24826, May 7, 2008); Cleveland-Akron-Loraine, Ohio, final rulemaking (61 FR 20458, May 7, 1996); and Tampa, Florida, final rulemaking at (60 FR 62748, December 7, 1995). *See also* the discussion on this issue in the Cincinnati, Ohio, redesignation (65 FR 37890, June 19, 2000), and in the Pittsburgh, Pennsylvania, redesignation (66 FR 50399, October 19, 2001).

Title I, Part D, applicable SIP requirements. Section 172(c) of the CAA sets forth the general nonattainment plan requirements for nonattainment areas. Subpart 2 of part D, which includes section 182 of the CAA, establishes specific requirements for ozone nonattainment areas depending on the area's nonattainment classification. In marginal ozone nonattainment area such as the Cincinnati-Hamilton, OH-KY-IN Area, the specific requirements of section 182(a) apply in lieu of the demonstration of attainment and contingency measures required by section 172(c). *See* 42 U.S.C. 7511a(a). The 182(a) elements and the remaining 172(c) elements that apply to the Area are addressed below. A thorough discussion of the requirements contained in sections 172(c) and 182 can be found in the General Preamble for Implementation of Title I (57 FR 13498).

Section 172(c) Requirements. Section 172(c)(3) requires submission and approval of a comprehensive, accurate, and current inventory of actual emissions. This requirement is superseded by the inventory requirement in section 182(a)(1) discussed below.

Section 172(c)(4) requires the identification and quantification of allowable emissions for major new and modified stationary sources in a nonattainment area, and section 172(c)(5) requires permits for the construction and operation of new and modified major stationary sources in the area. EPA has determined that, since PSD requirements will apply after redesignation, areas being redesignated need not comply with the requirement that a NSR program be approved prior to redesignation, provided that the area demonstrates maintenance of the NAAQS without part D NSR. A more detailed rationale for this view is described in the Nichols Memorandum. *See also* rulemakings for the Illinois portion of the St. Louis Area (77 FR 34819, 34826, June 12, 2012); Louisville, Kentucky (66 FR 53665, 53669, October 23, 2001); Grand Rapids, Michigan (61 FR 31831, 31834–31837, June 21, 1996); Cleveland-Akron-Lorain, Ohio (61 FR 20458, 20469–20470, May 7, 1996); Detroit, Michigan (60 FR 12459, 12467–12468, March 7, 1995). Kentucky has demonstrated that the Area will be able to maintain the standard without part D NSR in effect; therefore, EPA concludes that the Commonwealth need not have a fully approved part D NSR program prior to approval of the redesignation request. Kentucky's PSD program will become effective in the Area upon redesignation to attainment.

Section 182(a) Requirements. Section 182(a)(1) requires states to submit a comprehensive, accurate, and current inventory of actual emissions from sources of NO_X and VOC emitted within the boundaries of the ozone nonattainment area. Kentucky provided a base year emissions inventory for its portion of the Area to EPA in the August

26, 2016, SIP submission to address the section 182(a)(1) requirements for the Kentucky portion of the Area. As discussed in Section V.A above, EPA is proposing to approve Kentucky's 2011 base year emissions inventory in today's proposed action. Kentucky's section 182(a)(1) inventory must be approved before EPA can take final action to approve the Commonwealth's redesignation request for the Kentucky portion of the Area.

Under section 182(a)(2)(A), states with ozone nonattainment areas that were designated prior to the enactment of the 1990 CAA amendments were required to submit, within six months of classification, all rules and corrections to existing VOC RACT rules that were required under section 172(b)(3) of the CAA (and related guidance) prior to the 1990 CAA amendments. The Area is not subject to the section 182(a)(2) RACT ''fix up'' because the Area was designated as nonattainment after the enactment of the 1990 CAA amendments. Furthermore, the Commonwealth complied with this requirement under the 1-hour ozone NAAQS. *See* 59 FR 32343 (June 23, 1994) and 60 FR 31087 (June 13, 1995).

Section 182(a)(2)(B) requires each state with a marginal ozone nonattainment area that implemented, or was required to implement, an inspection and maintenance (I/M) program prior to the 1990 CAA amendments to submit a SIP revision providing for an I/M program no less stringent than that required prior to the 1990 amendments or already in the SIP at the time of the amendments, whichever is more stringent. The Kentucky portion of the Area is not subject to the section 182(a)(2)(B) requirement because it was designated as nonattainment after the enactment of the 1990 CAA amendments and did not have an I/M program in place prior to those amendments.

Regarding the permitting and offset requirements of section 182(a)(2)(C) and section 182(a)(4), EPA has determined that areas being redesignated need not comply with the requirement that a NSR program be approved prior to redesignation, provided that the area demonstrates maintenance of the NAAQS without part D NSR, because PSD requirements will apply after redesignation. As discussed above, Kentucky has a PSD program and has demonstrated that the Area will be able to maintain the standard without part D NSR in effect. Therefore, EPA concludes that the Commonwealth need not have a fully approved part D NSR program prior to approval of the redesignation request.

Section 182(a)(3) requires states to submit periodic inventories and emissions statements. Section 182(a)(3)(A) requires states to submit a periodic inventory every three years. As discussed below in the section of this notice titled Criteria (4)(e), *Verification of Continued Attainment,* the Commonwealth will continue to update its emissions inventory at least once every three years. Under section 182(a)(3)(B), each state with an ozone nonattainment area must submit a SIP revision requiring emissions statements to be submitted to the state by sources within that nonattainment area. Kentucky provided a SIP revision to EPA on November 18, 2015, addressing the section 182(a)(3)(B) emissions statements requirement, and on January 28, 2016 (81 FR 4896), EPA published a final rule approving this SIP revision.

Section 176 Conformity Requirements. Section 176(c) of the CAA requires states to establish criteria and procedures to ensure that federally-supported or funded projects conform to the air quality planning goals in the applicable SIP. The requirement to determine conformity applies to transportation plans, programs, and projects that are developed, funded, or approved under title 23 of the United States Code (U.S.C.) and the Federal Transit Act (transportation conformity) as well as to all other federally supported or funded projects (general conformity). State transportation conformity SIP revisions must be consistent with federal conformity regulations relating to consultation, enforcement, and enforceability that EPA promulgated pursuant to its authority under the CAA.

EPA interprets the conformity SIP requirements [12] as not applying for purposes of evaluating a redesignation request under section 107(d) because state conformity rules are still required after redesignation and federal conformity rules apply where state rules have not been approved. *See Wall* v. *EPA,* 265 F.3d 426 (6th Cir. 2001) (upholding this interpretation); *see also* 60 FR 62748 (December 7, 1995) (redesignation of Tampa, Florida). Nonetheless, Kentucky has an approved conformity SIP for the Kentucky portion of the Area. *See* 76 FR 20780 (April 21, 2010). Thus, EPA proposes that the Kentucky portion of the Cincinnati-Hamilton, OH-KY-IN Area has satisfied all applicable requirements for purposes of redesignation under section 110 and part D of title I of the CAA.

b. The Kentucky Portion of the Cincinnati-Hamilton, OH-KY-IN Area Has a Fully Approved Applicable SIP Under Section 110(k) of the CAA

EPA has fully approved the Commonwealth's SIP for the Kentucky portion of the Area under section 110(k) of the CAA for all requirements applicable for purposes of redesignation with the exception of the 182(a)(1) emissions inventory. In today's proposed action, EPA is proposing to approve the Commonwealth's emissions inventory for the Kentucky portion of the Area and incorporate it into the Kentucky SIP.

EPA may rely on prior SIP approvals in approving a redesignation request (*see* Calcagni Memorandum at p. 3; *Southwestern Pennsylvania Growth Alliance* v. *Browner,* 144 F.3d 984, 989–90 (6th Cir. 1998); *Wall,* 265 F.3d 426) plus any additional measures it may approve in conjunction with a redesignation action (*see* 68 FR 25426 (May 12, 2003) and citations therein). Kentucky has adopted and submitted, and EPA has approved at various times, provisions addressing various SIP elements applicable for the ozone NAAQS (78 FR 14681, March 7, 2013, and 79 FR 65143, November 3, 2014).

As discussed above, EPA believes that the section 110 elements that are neither connected with nonattainment plan submissions nor linked to an area's nonattainment status are not applicable requirements for purposes of redesignation. With the exception of the section 182(a)(1) emissions inventory requirement, which is addressed in this proposal, EPA has approved all part D requirements applicable for purposes of this proposed redesignation.

Criteria (3)—The air quality improvement in the Cincinnati-Hamilton, OH-KY-IN Area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP and applicable federal air pollution control regulations and other permanent and enforceable reductions.

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the air quality improvement in the area is due to permanent and enforceable reductions in emissions resulting from implementation of the SIP, applicable federal air pollution control regulations, and other permanent and enforceable reductions. *See* CAA section 107(d)(3)(E)(iii). EPA has preliminarily determined that Kentucky has

[12] CAA section 176(c)(4)(E) requires states to submit revisions to their SIPs to reflect certain federal criteria and procedures for determining transportation conformity. Transportation conformity SIPs are different from the MVEBs that are established in control strategy SIPs and maintenance plans.

demonstrated that the observed air quality improvement in the Cincinnati-Hamilton, OH-KY-IN Area is due to permanent and enforceable reductions in emissions resulting from federal measures and is not the result of unusually favorable weather conditions.

An analysis performed by the Lake Michigan Air Directors Consortium (LADCO) supports the Commonwealth's conclusion that the improvement in air quality is due to permanent and enforceable emission reductions and not favorable meteorology.[13] A classification and regression tree (CART) analysis was conducted with 2000 through 2014 data from three ozone monitoring sites in the Area. The goal of the analysis was to determine the meteorological and air quality conditions associated with ozone episodes, and construct trends for the days identified as sharing similar meteorological conditions. Regression trees were developed for the three monitors to classify each summer day by its ozone concentration and associated meteorological conditions. By grouping days with similar meteorology, the influence of meteorological variability on the underlying trend in ozone concentrations is partially removed and the remaining trend is presumed to be due to trends in precursor emissions or other non-meteorological influences. The CART analysis showed the resulting trends in ozone concentrations declining over the period examined, supporting the conclusion that the improvement in air quality was not due to unusually favorable meteorology.

In addition, EPA evaluated temperatures and precipitation during the 2012–2015 ozone seasons for comparison to long-term climatological normals. Table 3, below, provides temperature and precipitation data for the Area for the 2012–2015 period. This data was obtained from the National Oceanic and Atmospheric Administration's National Centers for Environmental Information (NCEI). Specifically, Table 3 provides overall average and average maximum ozone season temperatures and total ozone season precipitation; deviation from the mean 1948–2000 base period ozone season temperature and precipitation (termed the ''anomaly''); and the rank of each year from the 69-year (1948–2016) period. A rank of 69 is given to the hottest or wettest year.

TABLE 3—CINCINNATI, OHIO TEMPERATURE AND PRECIPITATION OZONE SEASON (MAY–SEPTEMBER) DATA

	Years			
	2012	2013	2014	2015
Average May–September Temperature [°F]	73.0	71.1	70.6	71.4
Anomaly from the long-term average [70.3 °F]	2.7	0.8	0.3	1.1
Rank [since 1948, scale of 1–69] 1=coolest 69=warmest	65	47	35	52
Average maximum May–September temperature [°F]	84.5	80.7	80.6	81.6
Anomaly from the long-term average maximum [81 °F]	3.5	−0.3	−0.4	0.6
Rank [since 1948, scale of 1–69] 1=coolest 69=warmest	67	29	28	42
Precipitation [inches]	15.61	24.04	19.05	18.64
Anomaly from the long-term average [18.27 inches]	−2.66	5.77	0.78	0.37
Rank [since 1948, scale of 1–69] 1=driest 69=wettest	17	63	42	38

The data in Table 3 indicates that the 2012 ozone season had maximum daily temperatures well above normal while 2013–2015 had maximum daily temperatures near normal (within a degree of normal). Average maximum temperatures during the 2012 ozone season were the third warmest from the period of record (1948–2016). Overall average ozone season temperatures during the 2012–2015 period ranged from 0.3 to 2.7 degrees above normal. Total precipitation during the 2012 ozone season was below normal, the 2013 ozone season had above normal precipitation, and the 2014 and 2015 ozone seasons had near normal precipitation (within an inch of normal). Therefore, the 2012–2015 period does not appear to have been abnormally conducive to reduced ozone formation and further supports the conclusion that the improvement in air quality was not due to unusually favorable meteorology.

Federal measures enacted in recent years have resulted in permanent emission reductions in the Area. The federal measures that have been implemented include the following:

Tier 2 Vehicle and Fuel Standards. On February 10, 2000 (65 FR 6698), EPA promulgated Tier 2 motor vehicle emission standards and gasoline sulfur control requirements.[14] These emission control requirements result in lower VOC and NO_X emissions from new cars and light duty trucks, including sport utility vehicles. With respect to fuels, this rule required refiners and importers of gasoline to meet lower standards for sulfur in gasoline, which were phased in between 2004 and 2006. By 2006, refiners were required to meet a 30 ppm average sulfur level, with a maximum cap of 80 ppm. This reduction in fuel sulfur content ensures the effectiveness of low emission-control technologies. The Tier 2 tailpipe standards established in this rule were phased in for new vehicles between 2004 and 2009. EPA estimates that, when fully implemented, this rule will cut NO_X and VOC emissions from light-duty vehicles and light-duty trucks by approximately 76 and 28 percent, respectively. NO_X and VOC reductions from medium-duty passenger vehicles included as part of the Tier 2 vehicle program are estimated to be approximately 37,000 and 9,500 tons per year, respectively, when fully implemented. In addition, EPA estimates that beginning in 2007, a reduction of 30,000 tons per year of NO_X will result from the benefits of sulfur control on heavy-duty gasoline vehicles. Some of these emission reductions occurred by the attainment years and additional emission reductions will occur throughout the maintenance period, as older vehicles are replaced with newer, compliant model years.

[13] Ohio included the LADCO analysis as part of its redesignation request and associated SIP revision for the Ohio portion of the Area. These materials are available at Docket No. EPA–R05–OAR–2016–0269.

[14] Kentucky also identified Tier 3 Motor Vehicle Emissions and Fuel Standards a federal measure. EPA issued this rule in April 28, 2014 (79 FR 23414), which applies to light duty passenger cars and trucks. EPA promulgated this rule to reduce air pollution from new passenger cars and trucks beginning in 2017. While the reductions did not aid the Area in attaining the standard, emissions reductions from these standards will occur during the maintenance period.

Non-Road Diesel Rule. On June 29, 2004 (69 FR 38958), EPA issued a rule adopting emissions standards for non-road diesel engines and sulfur reductions in non-road diesel fuel. This rule applies to diesel engines used primarily in construction, agricultural, and industrial applications. The rule is being phased in between 2008 through 2015, and when fully implemented, will reduce emissions of NO_X, VOC, particulate matter, and carbon monoxide from these engines. It is estimated that compliance with this rule will cut NO_X emissions from non-road diesel engines by up to 90 percent nationwide.

Heavy-Duty Diesel Engine Rules. In July 2000,[15] EPA issued a rule for on-highway heavy-duty diesel engines that includes standards limiting the sulfur content of diesel fuel. Emissions standards for NO_X, VOC and PM were phased in between model years 2007 and 2010. In addition, the rule reduced the highway diesel fuel sulfur content to 15 parts per million by 2007, leading to additional reductions in combustion NO_X and VOC emissions. EPA has estimated future year emission reductions due to implementation of this rule. Nationally, EPA estimated that 2015 NO_X and VOC emissions will decrease by 1,260,000 tons and 54,000 tons, respectively, and that 2030 NO_X and VOC emissions will decrease by 2,570,000 tons and 115,000 tons, respectively.

Non-road Spark-Ignition Engines and Recreational Engines Standards. On November 8, 2002 (67 FR 68242), EPA adopted emission standards for large spark-ignition engines such as those used in forklifts and airport ground-service equipment; recreational vehicles such as off-highway motorcycles, all-terrain vehicles, and snowmobiles; and recreational marine diesel engines. These emission standards were phased in from model year 2004 through 2012. When all of the non-road spark-ignition and recreational engine standards are fully implemented, an overall 72 percent reduction in hydrocarbons, 80 percent reduction in NO_X, and 56 percent reduction in carbon monoxide emissions are expected by 2020. These controls reduce ambient concentrations of ozone, carbon monoxide, and fine particulate matter.

National Emission Standards for Hazardous Air Pollutants (NESHAP) for Reciprocating Internal Combustion Engines. On March 3, 2010 (75 FR 9648), EPA issued a rule to reduce hazardous air pollutants from existing diesel powered stationary reciprocating internal combustion engines, also known as compression ignition engines. Amendments to this rule were finalized on January 14, 2013 (78 FR 6674). EPA estimated that when this rule is fully implemented in 2013, NO_X and VOC emissions from these engines will be reduced by approximately 9,600 and 36,000 tons per year, respectively.

Category 3 Marine Diesel Engine Standards. On April 30, 2010 (75 FR 22896), EPA issued emission standards for marine compression-ignition engines at or above 30 liters per cylinder. Tier 2 emission standards apply beginning in 2011, and are expected to result in a 15 to 25 percent reduction in NO_X emissions from these engines. Final Tier 3 emission standards apply beginning in 2016 and are expected to result in approximately an 80 percent reduction in NO_X from these engines.

Clean Air Interstate Rule (CAIR)/ Cross-State Air Pollution Rule (CSAPR). CAIR created regional cap-and-trade programs to reduce SO_2 and NO_X emissions in 28 eastern states, including Kentucky, that contributed to downwind nonattainment and maintenance of the 1997 8-hour ozone NAAQS and the 1997 $PM_{2.5}$ NAAQS. *See* 70 FR 25162 (May 12, 2005). In 2008, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) initially vacated CAIR in *North Carolina* v. *EPA,* 531 F.3d 896 (D.C. Cir. 2008), but ultimately remanded the rule to EPA without vacatur in *North Carolina* v. *EPA,* 550 F.3d 1176, 1178 (D.C. Cir. 2008) to preserve the environmental benefits provided by CAIR. On August 8, 2011 (76 FR 48208), acting on the D.C. Circuit's remand, EPA promulgated CSAPR to replace CAIR and thus to address the interstate transport of emissions contributing to nonattainment and interfering with maintenance of the two air quality standards covered by CAIR as well as the 2006 $PM_{2.5}$ NAAQS. CSAPR requires substantial reductions of SO_2 and NO_X emissions from electric generating units (EGUs) in 28 states in the Eastern United States.

Numerous parties filed petitions for review of CSAPR, and on August 21, 2012, the D.C. Circuit vacated and remanded CSAPR to EPA. *EME Homer City Generation, L.P.* v. *EPA,* 696 F.3d 7, 38 (D.C. Cir. 2012). The United States Supreme Court reversed the D.C. Circuit's decision on April 29, 2014, and remanded the case to the D.C. Circuit to resolve remaining issues in accordance with the high court's ruling. *EPA* v. *EME Homer City Generation, L.P.,* 134 S. Ct. 1584 (2014). On remand, the D.C. Circuit affirmed CSAPR in most respects, but invalidated without vacating some of the Phase 2 SO_2 and ozone-season NO_X CSAPR budgets as to a number of states.[16] *EME Homer City Generation, L.P.* v. *EPA,* 795 F.3d 118 (D.C. Cir. 2015). This litigation ultimately delayed implementation of CSAPR for three years, from January 1, 2012, when CSAPR's cap-and-trade programs were originally scheduled to replace the CAIR cap-and-trade programs, to January 1, 2015. Thus, the rule's Phase 2 budgets were originally promulgated to begin on January 1, 2014, and are now scheduled to begin on January 1, 2017.

On September 17, 2016, EPA finalized an update to the CSAPR ozone season program. *See* 81 FR 74504 (October 26, 2016). The update addresses summertime transport of ozone pollution in the eastern United States that crosses state lines to help downwind states and communities meet and maintain the 2008 8-hour ozone NAAQS and addresses the remanded Phase 2 ozone season NO_X budgets. The update withdraws these remanded NO_X budgets, sets new Phase 2 CSAPR ozone season NO_X emissions budgets for eight of the eleven states with remanded budgets, and removes the other three states from the CSAPR ozone season NO_X trading program.[17]

While the reduction in NO_X emissions from the implementation of CSAPR will result in lower concentrations of transported ozone entering the Area throughout the maintenance period, EPA is proposing to approve the redesignation of the Kentucky portion of the Area without relying on those measures within Kentucky as having led to attainment of the 2008 ozone NAAQS or contributing to maintenance of that standard. The improvement in ozone air quality in the Area from 2011 (a year when the design value for the area was above the NAAQS) to 2014 (a year when the design value was below the NAAQS) is not due to CSAPR emissions reductions because, as noted above, CSAPR did not go into effect until January 1, 2015, after the Area was already attaining the standard. As a general matter, because CSAPR is CAIR's replacement, emissions reductions associated with CAIR will for most areas be made permanent and enforceable through implementation of CSAPR. In addition, EPA has preliminarily determined that the vast majority of reductions in emissions in the Kentucky portion of the Area from 2011–2014 were due to permanent and enforceable reductions in mobile source

[15] *See* 66 FR 5002 for further discussion.

[16] The court's decision did not affect Kentucky's CSAPR budgets.

[17] *See* 81 FR 74504 for further discussion.

VOC and NO_X emissions. EPA found that mobile source emissions reductions account for 100 percent of the total NO_X reductions and 92 percent of the VOC reductions within the Kentucky portion of the Area over this time period. NO_X and VOC emissions in the Kentucky portion of the Area are projected to continue their downward trend throughout the maintenance period, driven primarily by mobile source measures. From 2014 to 2030, Kentucky projected that mobile source measures will account for 95 percent of the NO_X emissions reductions and 85 percent of the VOC reductions in the Kentucky portion of the Area based on EPA-approved mobile source modeling.

EPA proposes to find that the improvements in air quality in the Cincinnati-Hamilton, OH-KY-IN Area are due to real, permanent and enforceable reductions in NO_X and VOC emissions. This preliminary determination is supported by the evaluation of emissions reductions in the Area between 2011 and 2014 discussed above.

Criteria (4)—The Kentucky portion of the Cincinnati-Hamilton, OH-KY-IN Area has a fully approved maintenance plan pursuant to section 175A of the CAA.

For redesignating a nonattainment area to attainment, the CAA requires EPA to determine that the area has a fully approved maintenance plan pursuant to section 175A of the CAA (CAA section 107(d)(3)(E)(iv)). In conjunction with its request to redesignate the Kentucky portion of the Area to attainment for the 2008 8-hour ozone NAAQS, Kentucky submitted a SIP revision to provide for the maintenance of the 2008 8-hour ozone NAAQS for at least 10 years after the effective date of redesignation to attainment. EPA has made the preliminary determination that this maintenance plan meets the requirements for approval under section 175A of the CAA.

a. What is required in a maintenance plan?

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. Under section 175A, the plan must demonstrate continued attainment of the applicable NAAQS for at least 10 years after the Administrator approves a redesignation to attainment. Eight years after the redesignation, the state must submit a revised maintenance plan demonstrating that attainment will continue to be maintained for the 10 years following the initial 10-year period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures as EPA deems necessary to assure prompt correction of any future 2008 8-hour ozone violations. The Calcagni Memorandum provides further guidance on the content of a maintenance plan, explaining that a maintenance plan should address five requirements: The attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. As discussed more fully below, EPA has preliminarily determined that Kentucky's maintenance plan includes all the necessary components and is thus proposing to approve it as a revision to the Kentucky SIP.

b. Attainment Emissions Inventory

As discussed above, EPA has determined that the Cincinnati-Hamilton, OH-KY-IN Area has attained the 2008 8-hour ozone NAAQS based on quality-assured monitoring data for the 3-year period from 2012–2014 and is continuing to attain the standard based on 2013–2015 data. *See* 81 FR 26697 (May 4, 2016); 81 FR 91035 (December 16, 2016). Kentucky selected 2014 as the attainment year (*i.e.,* attainment emissions inventory year) for developing a comprehensive emissions inventory for NO_X and VOC, for which projected emissions could be developed for 2017, 2020, 2025, and 2030. The attainment inventory identifies a level of emissions in the Area that is sufficient to attain the 2008 8-hour ozone NAAQS. Kentucky began development of the attainment inventory by first generating a baseline emissions inventory for the Commonwealth's portion of the Area.[18] The projected summer day emission inventories have been estimated using projected rates of growth in population, traffic, economic activity, and other parameters. In addition to comparing the final year of the plan (2030) to the attainment year (2014), Kentucky compared interim years to the attainment year to demonstrate that these years are also expected to show continued maintenance of the 2008 8-hour ozone standard.

The emissions inventory is composed of four major types of sources: Point, area, on-road mobile, and non-road mobile.[19] Complete descriptions of how the inventories were developed are located in Appendix C through Appendix E of the August 26, 2016 submittal, which can be found in the docket for this action. Point source emissions are tabulated from data collected by direct on-site measurements of emissions or from mass balance calculations utilizing approved emission factors. For each projected year's inventory, point sources are adjusted by growth factors based on Standard Industrial Classification codes generated using growth patterns obtained from County Business Patterns. For title V sources, the actual 2011 emissions were used.

For area sources, emissions are estimated by multiplying an emission factor by some known indicator of collective activity such as production, number of employees, or population. For each projected year's inventory, area source emissions are changed by population growth, projected production growth, or estimated employment growth.

Non-road mobile sources include vehicles, engines, and equipment used for construction, agriculture, recreation, and other purposes that do not use roadways (*e.g.,* lawn mowers, construction equipment, and railroad locomotives). IDEM provided non-road mobile source emissions data for each county in the Area. Data was obtained from the Ozone NAAQS Emissions Modeling Platform (2011 v6.1).

For on-road mobile sources, EPA's MOVES2014 mobile model was run to generate emissions. The MOVES2014 model includes the road class vehicle miles traveled (VMT) as an input file and can directly output the estimated emissions. For each projected year's inventory, the on-road mobile sources emissions are calculated by running the MOVES mobile model for the future year with the projected VMT to generate emissions that take into consideration expected federal tailpipe standards, fleet turnover, and new fuels.

The 2014 NO_X and VOC emissions for the Kentucky portion of the Area, as well as the emissions for other years, were developed consistent with EPA guidance and are summarized in Tables 4 and 5 of the following subsection discussing the maintenance demonstration. *See* Appendix C through Appendix E of the August 26, 2016, submission for more detailed information on the emissions inventory.

[18] Kentucky used the 2011 inventory described above in Section V.A. as its baseline emissions inventory.

[19] As discussed in Section V.A., the emissions inventories in Kentucky's submission identify aircraft emissions as a standalone category and refer to these emissions as ''air emissions'' for consistency with the inventories provided by Indiana and Ohio for their respective portions of the Area. EPA has included these emissions within the point source category per the AERR.

c. Maintenance Demonstration

The maintenance plan associated with the redesignation request includes a maintenance demonstration that:

(i) Shows 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 remain at or below 2014 emissions levels.

(ii) Uses 2014 as the attainment year and includes future emissions inventory projections for 2017, 2020, 2025, and 2030.

(iii) Identifies an ''out year'' at least 10 years after the time necessary for EPA to review and approve the maintenance plan. Per 40 CFR part 93, NO_X and VOC MVEBs were established for the last year (2030) of the maintenance plan (see section VI below). Kentucky, in consultation with the interagency partners,[20] has elected to also establish an interim MVEB for the year 2020.

(iv) Provides projected emissions inventories for the Kentucky portion of the Area, as shown in Tables 4 and 5, below.

TABLE 4—PROJECTED AVERAGE SUMMER DAY NO_X EMISSIONS (tsd) FOR THE KENTUCKY PORTION OF THE AREA

Sector	2014	2017	2020	2025	2030
Point	9.62	9.97	10.33	9.61	8.98
Area	1.94	1.94	1.94	1.95	1.95
Non-road	1.84	1.47	1.26	1.03	0.8
On-road	14.04	10.13	6.19	4.45	2.69
Total	27.44	23.51	19.72	17.04	14.42

TABLE 5—PROJECTED AVERAGE SUMMER DAY VOC EMISSIONS (tsd) FOR THE KENTUCKY PORTION OF THE AREA

Sector	2014	2017	2020	2025	2030
Point	2.88	2.89	2.89	2.69	2.47
Area	6.25	6.04	5.94	5.87	5.80
Non-road	2.19	1.88	1.75	1.69	1.64
On-road	6.50	5.03	3.54	2.77	1.98
Total	17.82	15.84	14.12	13.02	11.89

Tables 4 and 5 summarize the 2014 and future projected emissions of NO_X and VOC from the Kentucky portion of the Area. In situations where local emissions are the primary contributor to nonattainment, such as the Cincinnati-Hamilton, OH-KY-IN Area, if the future projected emissions in the nonattainment area remain at or below the baseline emissions in the nonattainment area, then the ambient air quality standard should not be exceeded in the future. Kentucky has projected emissions as described previously and determined that emissions in the Kentucky portion of the Area will remain below those in the attainment year inventory for the duration of the maintenance plan.

As discussed in section VI of this proposed rulemaking, a safety margin is the difference between the attainment level of emissions (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. The attainment level of emissions is the level of emissions during one of the years in which the Area met the NAAQS. Kentucky selected 2014 as the attainment emissions inventory year for the Kentucky portion of the Area.

Kentucky calculated safety margins in its submittal for years 2020 and 2030.

The Commonwealth has decided to allocate 15 percent of the available safety margin to the 2020 and 2030 MVEBs to allow for unanticipated growth in VMT, changes and uncertainty in vehicle mix assumptions, etc., that will influence the emission estimations. The MVEBs and safety margins are discussed further in Section VI of this proposed rulemaking.

d. Monitoring Network

There are eleven monitors measuring ozone in the Cincinnati-Hamilton, OH-KY-IN Area, of which two are located in the Kentucky portion of the Area. In its maintenance plan, Kentucky has committed to continue operation of the monitors in the Kentucky portion of the Area in compliance with 40 CFR part 58 and has thus addressed the requirement for monitoring. EPA approved Kentucky's monitoring plan on October 25, 2016.

e. Verification of Continued Attainment

The Commonwealth of Kentucky, through DAQ, has the legal authority to enforce and implement the maintenance plan for the Kentucky portion of the Area. This includes the authority to adopt, implement, and enforce any subsequent emissions control contingency measures determined to be necessary to correct future ozone attainment problems. The Commonwealth has committed to track the progress of the maintenance plan by updating its emissions inventory at least once every three years and reviewing the updated emissions inventories for the Area using the latest emissions factors, models, and methodologies.

Under the AERR, DAQ is required to develop a comprehensive, annual, statewide emissions inventory every three years that is due twelve to eighteen months after the completion of the inventory year. The AERR inventory years match the base year and final year of the inventory for the maintenance plan, and are within one or two years of the interim inventory years of the maintenance plan. DAQ commits to compare the AERR inventories to the 2011 base year and 2030 projected maintenance year inventories to assess emissions trends, as necessary, and to assure continued compliance with the 2008 8-hour ozone NAAQS in the Area.

[20] Interagency partners consist of the Ohio-Kentucky-Indiana Regional Council of Governments Metropolitan Planning Organization (MPO), Kentucky Energy and Environment Cabinet, Kentucky Transportation Cabinet, EPA, Federal Highway Administration, and Federal Transit Administration.

f. Contingency Measures in the Maintenance Plan.

Section 175A of the CAA requires that a maintenance plan include such contingency measures as EPA deems necessary to assure that the state will promptly correct a violation of the NAAQS that occurs after redesignation. The maintenance plan should identify the contingency measures to be adopted, a schedule and procedure for adoption and implementation, and a time limit for action by the state. A state should also identify specific indicators to be used to determine when the contingency measures need to be implemented. The maintenance plan must include a requirement that a state will implement all measures with respect to control of the pollutant that were contained in the SIP before redesignation of the area to attainment in accordance with section 175A(d).

As required by section 175A of the CAA, Kentucky has adopted a contingency plan to address possible future 8-hour ozone air quality problems. In the event that a measured value of the fourth highest maximum is 0.079 ppm or greater in any portion of the Area in a single ozone season, or if periodic emissions inventory updates reveal excessive or unanticipated growth greater than ten percent in ozone precursor emissions in the Area, the Commonwealth will conduct a study to determine whether the ozone value indicates a trend toward higher ozone values or whether the trend, if any, is likely to continue, and if so, the control measures necessary to reverse the trend. Implementation of necessary controls will take place as expeditiously as practicable and no later than 12 months from the conclusion of the most recent ozone season.

In the event that a two-year average of the fourth highest maximum values at a monitor in the Area is 0.076 ppm or greater and is not due to exceptional event, malfunction, or noncompliance with a permit condition or rule requirement, Kentucky, along with the metropolitan planning organization or regional council of governments, will determine additional control measures needed to assure future attainment of the ozone NAAQS. Measures that can be implemented in a short time will be selected in order to be in place within 18 months from the close of the ozone season.

In the event of a monitored violation of the 1997 8-hour ozone NAAQS in the Area, Kentucky commits to adopt one or more of the following contingency measures to re-attain the standard: [21]

- Implementation of a program to require additional emissions reductions on stationary sources;
- Implementation of fuel programs, including incentives for alternative fuels;
- Restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high-occupancy vehicles;
- Trip-reduction ordinances;
- Employer-based transportation management plans, including incentives;
- Programs to limit or restrict vehicle use in downtown areas, or other areas of emissions concentration, particularly during periods of peak use;
- Programs for new construction and major reconstructions of paths or tracks for use by pedestrians or by non-motorized vehicles when economically feasible and in the public interest.

Kentucky may implement other contingency measures if new control programs should be developed and deemed more advantageous for the Area. Prior to the implementation of any contingency measure not listed, the Commonwealth will solicit input from all interested and affected parties in the Area. Kentucky will adopt and implement contingency measures as quickly as possible, and no later than 18 months after the monitored violation. The Commonwealth will not implement a contingency measure without approval from EPA.

EPA preliminarily concludes that the maintenance plan adequately addresses the five basic components of a maintenance plan: The attainment emissions inventory, maintenance demonstration, monitoring, verification of continued attainment, and a contingency plan. Therefore, EPA proposes that the maintenance plan SIP revision submitted by Kentucky for the Commonwealth's portion of the Area meets the requirements of section 175A of the CAA and is approvable.

[21] If the Commonwealth adopts a voluntary emission reduction measure as a contingency measure necessary to attain or maintain the NAAQS, EPA will evaluate approvability in accordance with relevant Agency guidance regarding the incorporation of voluntary measures into SIPs. *See, e.g.,* Memorandum from Richard D. Wilson, Acting Administrator for Air and Radiation, to EPA Regional Administrators re: Guidance on Incorporating Voluntary Mobile Source Emission Reduction Programs in State Implementation Plans (SIPs) (October 24, 1997); EPA, Office of Air and Radiation, Incorporating Emerging and Voluntary Measures in a State Implementation Plan (SIP)(September 2004).

VI. What is EPA's analysis of Kentucky's proposed NO_X and VOC MVEBs for the Kentucky portion of the area?

Under section 176(c) of the CAA, new transportation plans, programs, and projects, such as the construction of new highways, must ''conform'' to (*i.e.,* be consistent with) the part of the state's air quality plan that addresses pollution from cars and trucks. Conformity to the SIP means that transportation activities will not cause new air quality violations, worsen existing violations, or delay timely attainment of the NAAQS or any interim milestones. If a transportation plan does not conform, most new projects that would expand the capacity of roadways cannot go forward. Regulations at 40 CFR part 93 set forth EPA policy, criteria, and procedures for demonstrating and assuring conformity of such transportation activities to a SIP. The regional emissions analysis is one, but not the only, requirement for implementing transportation conformity. Transportation conformity is a requirement for nonattainment and maintenance areas. Maintenance areas are areas that were previously nonattainment for a particular NAAQS but have since been redesignated to attainment with an approved maintenance plan for that NAAQS.

Under the CAA, states are required to submit, at various times, control strategy SIPs and maintenance plans for nonattainment areas. These control strategy SIPs (including RFP and attainment demonstration requirements) and maintenance plans create MVEBs (or in this case sub-area MVEBs) for criteria pollutants and/or their precursors to address pollution from cars and trucks. Per 40 CFR part 93, a MVEB must be established for the last year of the maintenance plan. A state may adopt MVEBs for other years as well. The MVEB is the portion of the total allowable emissions in the maintenance demonstration that is allocated to highway and transit vehicle use and emissions. *See* 40 CFR 93.101. The MVEB serves as a ceiling on emissions from an area's planned transportation system. The MVEB concept is further explained in the preamble to the November 24, 1993, Transportation Conformity Rule (58 FR 62188). The preamble also describes how to establish the MVEB in the SIP and how to revise the MVEB. Under 40 CFR 93.101, the term safety margin is the difference between the attainment level (from all sources) and the projected level of emissions (from all sources) in the maintenance plan. The

safety margin can be allocated to the transportation sector; however, the total emissions must remain below the attainment level. The NO_X and $PM_{2.5}$ MVEBs and allocation from the safety margin were developed in consultation with the transportation partners and were added to account for uncertainties in population growth, changes in model vehicle miles traveled, and new emission factor models.

As part of the interagency consultation process on setting MVEBs, DAQ held discussions with interagency partners to determine what years to set MVEBs for the Kentucky portion of the Area. As noted above, a maintenance plan must establish MVEBs for the last year of the maintenance plan (in this case, 2030). *See* 40 CFR 93.118.

Kentucky chose to allocate 15 percent of the available safety margin to the NO_X and VOC MVEBs for years 2020 and 2030.[22] See Table 6. As discussed above, Kentucky has selected 2014 as the base year. The projected on-road emissions of NO_X and VOC for 2020 and 2030 are shown in Tables 7 and 8 for the Kentucky portion of the Area. Table 9 provides the NO_X and VOC MVEBs for 2020 and 2030.

TABLE 6—FIFTEEN PERCENT SAFETY MARGIN ALLOCATION FOR THE KENTUCKY PORTION OF THE CINCINNATI-HAMILTON, OH-KY-IN AREA

[tsd]

	2020 Safety margin	2020 Safety margin allocation	2030 Safety margin	2030 Safety margin allocation
NO_X	7.72	1.16	13.02	1.95
VOC	3.77	0.56	6.00	0.89

TABLE 7—ON-ROAD NO_X EMISSIONS (tsd) FOR THE KENTUCKY PORTION OF THE AREA

County	2014	2017	2020	2025	2030
Boone	5.46	3.94	2.41	1.73	1.05
Campbell	3.41	2.46	1.50	1.08	0.65
Kenton	5.17	3.73	2.28	1.64	0.99
Total	14.04	10.13	6.19	4.45	2.69

TABLE 8—ON-ROAD VOC EMISSIONS (tsd) FOR THE KENTUCKY PORTION OF THE AREA

County	2014	2017	2020	2025	2030
Boone	2.53	1.96	1.38	1.08	0.77
Campbell	1.58	1.22	0.86	0.67	0.48
Kenton	2.39	1.85	1.30	1.02	0.73
Total	6.05	5.03	3.54	2.77	1.98

TABLE 9—MVEBS FOR THE KENTUCKY PORTION OF THE AREA

[tsd]

	2020		2030	
	NO_X	VOC	NO_X	VOC
Projected On-Road Emissions	6.19	3.54	2.69	1.98
Portion of the Safety Margin Allocated to MVEB	1.16	0.56	1.95	0.89
Conformity MVEB	7.35	4.10	4.64	2.87

Through this rulemaking, EPA is proposing to approve the MVEBs for NO_X and VOC for 2020 and 2030 for the Kentucky portion of the Area because EPA has preliminarily determined that the Area maintains the 2008 8-hour ozone NAAQS with the emissions at the levels of the budgets. If the MVEBs for the Kentucky portion of the Area are approved or found adequate (whichever is completed first), they must be used for future conformity determinations.

VII. What is the status of EPA's adequacy determination for the proposed NO_X and VOC MVEBs for the Kentucky portion of the area?

When reviewing submitted ''control strategy'' SIPs or maintenance plans containing MVEBs, EPA may affirmatively find the MVEB contained therein adequate for use in determining transportation conformity. Once EPA affirmatively finds the submitted MVEB is adequate for transportation conformity purposes, that MVEB must be used by state and federal agencies in determining whether proposed transportation projects conform to the SIP as required by section 176(c) of the CAA.

[22] See pp. 22–34 of Kentucky's submittal for further information regarding the safety margin allocation.

EPA's substantive criteria for determining adequacy of a MVEB are set out in 40 CFR 93.118(e)(4). The process for determining adequacy consists of three basic steps: Public notification of a SIP submission, a public comment period, and EPA's adequacy determination. This process for determining the adequacy of submitted MVEBs for transportation conformity purposes was initially outlined in EPA's May 14, 1999, guidance, ''Conformity Guidance on Implementation of March 2, 1999, Conformity Court Decision.'' EPA adopted regulations to codify the adequacy process in the Transportation Conformity Rule Amendments for the ''New 8-Hour Ozone and $PM_{2.5}$ National Ambient Air Quality Standards and Miscellaneous Revisions for Existing Areas; Transportation Conformity Rule Amendments—Response to Court Decision and Additional Rule Change,'' on July 1, 2004 (69 FR 40004). Additional information on the adequacy process for transportation conformity purposes is available in the proposed rule entitled, ''Transportation Conformity Rule Amendments: Response to Court Decision and Additional Rule Changes,'' 68 FR 38974, 38984 (June 30, 2003).

As discussed earlier, Kentucky's maintenance plan includes NO_X and VOC MVEBs for the Kentucky portion of the Area for an interim year (2020) and the last year of the maintenance plan (2030). EPA is reviewing the NO_X and VOC MVEBs through the adequacy process described in Section I.

EPA intends to make its determination on the adequacy of the 2020 and 2030 MVEBs for the Kentucky portion of the Area for transportation conformity purposes in the near future by completing the adequacy process that was started on December 6, 2016. If EPA finds the 2020 and 2030 MVEBs adequate or approves them, the new MVEBs for NO_X and VOC must be used for future transportation conformity determinations. For required regional emissions analysis years that involve 2020 through 2029, the 2020 MVEBs would then be used, and for years 2030 and beyond, the applicable budgets would be the new 2030 MVEBs established in the maintenance plan.

VIII. What is the effect of EPA's proposed actions?

EPA's proposed actions establish the basis upon which EPA may take final action on the issues being proposed for approval today. Approval of Kentucky's redesignation request would change the legal designation of the portions of Boone, Campbell, and Kenton Counties that are within the Cincinnati-Hamilton, OH-KY-IN Area, as found at 40 CFR part 81, from nonattainment to attainment for the 2008 8-hour ozone NAAQS. Approval of Kentucky's associated SIP revision would also incorporate a plan for maintaining the 2008 8-hour ozone NAAQS in the Area through 2030 and a section 182(a)(1) base year emissions inventory for the Area into the Kentucky SIP. The maintenance plan establishes NO_X and VOC MVEBs for 2020 and 2030 for the Kentucky portion of the Area and includes contingency measures to remedy any future violations of the 2008 8-hour ozone NAAQS and procedures for evaluation of potential violations.

IX. Proposed Actions

EPA is proposing to: (1) Approve Kentucky's 2011 base year emissions inventory for the Kentucky portion of the Area as meeting the requirements of 182(a)(1) and incorporate this inventory into the SIP; (2) approve the maintenance plan for the Kentucky portion of the Area, including the NO_X and VOC MVEBs for 2030, and incorporate it into the Kentucky SIP; and (3) approve Kentucky's redesignation request for the 2008 8-hour ozone NAAQS for the Area. Further, as part of this proposed action, EPA is describing the status of its adequacy determination for the NO_X and VOC MVEBs for 2020 and 2030 in accordance with 40 CFR 93.118(f)(2). If EPA finds the 2020 and 2030 MVEBs adequate or approves them the transportation partners will need to demonstrate conformity to the new NO_X and VOC MVEBs pursuant to 40 CFR 93.104(e)(3) within 24 months from the effective date of EPA's adequacy determination for the MVEBs or the publication date for the final rule for this action, whichever is earlier.

If finalized, approval of the redesignation request would change the official designation of the portions of Boone, Campbell, and Kenton Counties that are within the Cincinnati-Hamilton, OH-KY-IN Area, as found at 40 CFR part 81, from nonattainment to attainment for the 2008 8-hour ozone NAAQS.

X. Statutory and Executive Order Reviews

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

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

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

List of Subjects

40 CFR Part 52

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

40 CFR Part 81

Environmental protection, Air pollution control.

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

Dated: March 29, 2017.

V. Anne Heard,

Acting Regional Administrator, Region 4.

[FR Doc. 2017–08643 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[EPA–R03–OAR–2016–0081; FRL–9961–22–Region 3]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; State of Delaware, District of Columbia, and Commonwealth of Pennsylvania, City of Philadelphia; Control of Emissions From Existing Commercial and Industrial Solid Waste Incinerator Units

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to notify the public that it has received negative declarations for commercial and industrial solid waste incineration (CISWI) units within the State of Delaware, the District of Columbia, and the City of Philadelphia in the Commonwealth of Pennsylvania. These negative declarations certify that CISWI units subject to the requirements of sections 111(d) and 129 of the Clean Air Act (CAA) do not exist within the jurisdictional boundaries of the State of Delaware, the District of Columbia, and the City of Philadelphia in the Commonwealth of Pennsylvania. EPA is accepting the negative declarations in accordance with the requirements of the CAA. In the Final Rules section of this **Federal Register**, EPA is accepting the negative declarations as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by May 31, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2016–0081 at *https://www.regulations.gov,* or via email to *miller.linda@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. 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: Mary Cate Opila, (215) 814–2041, or by email at *opila.marycate@epa.gov.*

SUPPLEMENTARY INFORMATION: For further information regarding the negative declarations for CISWI units within the State of Delaware, the District of Columbia, and the City of Philadelphia in the Commonwealth of Pennsylvania, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication and in the technical support documentation for this rulemaking. Supporting documentation, including the technical support document, for this action is available in the docket for this rulemaking and available online at *www.regulations.gov.*

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Commercial and industrial solid waste incineration units.

Dated: March 21, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2017–08658 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 751

[EPA–HQ–OPPT–2016–0387; EPA–HQ–OPPT–2016–0231; FRL–9961–66]

RIN 2070–AK11 and RIN 2070–AK07

Trichloroethylene; Regulation of Vapor Degreasing Under TSCA Section 6(a); Methylene Chloride and N-Methylpyrrolidone; Regulation of Certain Uses Under TSCA Section 6(a); Reopening of Comment Periods

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; Reopening of comment periods.

SUMMARY: In the **Federal Register** of January 19, 2017, EPA issued two proposed rules under section 6 of the Toxic Substances Control Act (TSCA). The first action proposed to prohibit the manufacture (including import), processing, and distribution in commerce of trichloroethylene (TCE) for use in vapor degreasing; to prohibit the use of TCE in vapor degreasing; to require manufacturers (including importers), processors, and distributors, except for retailers, of TCE for any use to provide downstream notification of these prohibitions throughout the supply chain; and to require limited recordkeeping. The second action proposed to prohibit the manufacture (including import), processing, and distribution in commerce of methylene chloride and N-methylpyrrolidone (NMP) for consumer and most types of commercial paint and coating removal; to prohibit the use of methylene chloride and NMP in these commercial uses; to require manufacturers (including importers), processors, and distributors, except for retailers, of methylene chloride and NMP for any use to provide downstream notification of these prohibitions throughout the supply chain; and to require

recordkeeping. This document reopens and extends the comment periods for each proposed rule for an additional 30 days. Commenters requested additional time to submit written comments for the proposed rules.

DATES: Comments, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0387 and by docket identification (ID) number EPA–HQ–OPPT–2016–0231 must be received on or before May 19, 2017.

ADDRESSES: Follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** documents of January 19, 2017, (82 FR 7432) (FRL–9950–08) or (82 FR 7464) (FRL–9958–57).

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Cindy Wheeler, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: 202–566–0484; email address: *wheeler.cindy@epa.gov* or Ana Corado, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: 202–564–0140; email address: *corado.ana@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: This document reopens public comment periods established in the two proposed rules issued in the **Federal Register** of January 19, 2017 (82 FR 7432) (FRL–9950–08) and (82 FR 7464) (FRL–9958–57). In the first action, EPA proposed a rule under section 6 of the Toxic Substances Control Act (TSCA) to prohibit the manufacture (including import), processing, and distribution in commerce of trichloroethylene (TCE) for use in vapor degreasing; to prohibit the use of TCE in vapor degreasing; to require manufacturers (including importers), processors, and distributors, except for retailers, of TCE for any use to provide downstream notification of these prohibitions throughout the supply chain; and to require limited recordkeeping. In the second notice, EPA proposed a rule under section 6 of TSCA to prohibit the manufacture (including import), processing, and distribution in commerce of methylene chloride and N-methylpyrrolidone (NMP) for consumer and most types of commercial paint and coating removal; to prohibit the use of methylene chloride and NMP in these commercial uses; to require manufacturers (including importers), processors, and distributors, except for retailers, of methylene chloride and NMP for any use to provide downstream notification of these prohibitions throughout the supply chain; and to require recordkeeping. EPA is hereby reopening the comment periods for 30 days, to May 19, 2017.

Even though EPA received requests for a lengthier extension of the comment periods, the Agency has concluded that a 30-day reopening of the comment period is sufficient. EPA has already provided for a substantial comment period, now totaling 90 days, for each of the two proposals. EPA has already extended the original 60-day comment period for the proposed rule in TCE in vapor degreasing for 30 days, from March 20, 2017, to April 19, 2017 (82 FR 10732, February 15, 2017). This notice provides the second extension of the comment period for that proposed rule. EPA proposed the rule on methylene chloride and NMP in paint and coating removal with a 90-day comment period, ending on April 19, 2017. Additionally, much of the technical bases for the proposals has been available to the public since the risk assessments for methylene chloride and TCE were published in 2014 and the risk assessment for NMP was published in 2015, and the commenters' expressed need for further extension was general in nature (*e.g.,* the complexity and importance of the subject matter, and prospective commenters' desire to continue conferring and reviewing the technical basis for EPA's proposal). The Agency, therefore, is extending the comment period at its own discretion, in the interest of receiving comprehensive public comment for the benefit of the current rules.

To submit comments, or access a docket, please follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** documents of January 19, 2017, (82 FR 7432) (FRL–9950–08) or (82 FR 7464) (FRL–9958–57). If you have questions, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects in 40 CFR Part 751

Environmental protection, Chemicals, Export notification, Hazardous substances, Import certification, Methylene Chloride, N-Methylpyrrolidone, Trichloroethylene, Recordkeeping.

Dated: April 18, 2017.

Wendy Cleland-Hamnett,

Acting Assistant Administrator for Chemical Safety and Pollution Prevention.

[FR Doc. 2017–08772 Filed 4–28–17; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 350

[Docket No. FMCSA–2014–0470]

RIN 2126–AB84

State Inspection Programs for Passenger-Carrier Vehicles; Withdrawal

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Advance notice of proposed rulemaking; withdrawal.

SUMMARY: FMCSA withdraws its April 27, 2016, advance notice of proposed rulemaking (ANPRM) concerning the establishment of requirements for States to implement annual inspection programs for commercial motor vehicles (CMVs) designed or used to transport passengers (passenger-carrying CMVs). FMCSA sought information from all interested parties that would enable the Agency to assess the risks associated with improperly maintained or inspected passenger-carrying CMVs. The ANPRM also sought public comments concerning the effectiveness of the current FMCSA annual inspection standards, and data on the potential costs and benefits of a Federal requirement for each State to implement a mandatory inspection program. FMCSA inquired about how the Agency might incentivize States to adopt such programs. After reviewing all the public comments, and in consideration of the comments provided by individuals attending the three public listening sessions held in 2015, FMCSA has determined there is not enough data and information available to support moving forward with a rulemaking action.

DATES: The ANPRM ''State Inspection Programs for Passenger-Carrier Vehicles,'' published on April 27, 2016 (81 FR 24769), is withdrawn as of May 1, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Loretta Bitner, Chief, Commercial Passenger Carrier Safety Division at 202–385–2428, or via email at *Loretta.Bitner@dot.gov,* Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington,

DC 20590–0001. If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Background/Topics Addressed During the Comment Period

In accordance with § 32710 of the Moving Ahead for Progress in the 21st Century Act (MAP–21) (Pub. L. 112–141, 126 Stat. 405, 815), FMCSA published an ANPRM in the **Federal Register** on April 27, 2016 (81 FR 24769). The Agency sought information from industry and other stakeholders on the maintenance and inspection of passenger-carrying CMVs that would help FMCSA decide whether to propose a rule that mandates States to impose an annual inspection process.

FMCSA requested information from commercial passenger carriers and other stakeholders in order to consider proposing a rule that would require the States to establish annual inspection programs for passenger-carrying CMVs. The requested information was necessary to assist FMCSA in quantifying the economic benefits and costs of potentially moving forward with establishing an inspection program and in assessing risks associated with improperly maintained or inspected passenger-carrying CMVs. The ANPRM also was intended to provide information on the effectiveness of existing Federal inspection requirements in mitigating risks and ensuring safe and proper operations.[1] In the effort to gather relevant data, FMCSA posed a series of questions addressing the following matters:

- Existing State Mandatory Vehicle Inspection Programs for Passenger-Carrying CMVs.
- Measuring Effectiveness of Inspection Programs.
- Inspection Facilities and Locations.
- Costs.
- Uniformity of Mandatory Vehicle Inspections Programs.
- Current Federal Standards.
- Federal Authority.

[1] Subsequent to publication of the ANPRM, FMCSA issued a rule that eliminated the option of relying on roadside inspections as satisfying the periodic inspection requirement. *See* 81 FR 47722 (July 22, 2016).

Discussion of Comments

The Agency received 22 public comments, with 10 commenters expressing general opposition to the mandatory State inspection requirement discussed in the ANPRM. Seven commenters supported the establishment of such a requirement; four commenters neither supported nor opposed a possible requirement, and one commenter's issue was out-of-scope. Many commenters indicated that the existing standards for annual inspections prescribed in the Federal Motor Carrier Safety Regulations (FMCSRs) or their own programs were sufficient. Commenters also indicated that current standards are effective at mitigating risk when properly enforced. Several commenters made their support contingent on factors such as uniformity in inspection standards, standardization of inspector training, a self-inspection option, and required reciprocity, whereby States would be required to recognize inspections conducted outside their States.

Several commenters, including State agencies in Michigan, Pennsylvania, and Texas, addressed questions aimed at measuring the effectiveness of inspection programs. However, none of these commenters was able to determine whether the establishment of an inspection program reduced the number of safety violations detected. Michigan's Department of Motor Vehicles indicated it improved its inspection process by educating carriers on the required State inspection criteria in 2013; it has since observed a 10% increase in vehicles passing their initial safety inspection.

Few commenters addressed how FMCSA might incentivize the States to establish mandatory inspection programs. The South Carolina Transport Police noted that a mandate would be a strain on its resources. The Michigan Department of Transportation noted that a program should be subsidized with Federal funding. A representative from Pennsylvania suggested providing additional Federal highway funding to those States with well-defined programs.

FMCSA Decision

FMCSA withdraws the April 2016 ANPRM because the Agency is not aware of data or information that supports the development of a notice of proposed rulemaking to require the States to establish mandatory annual inspection programs for passenger-carrying vehicles.

The Agency held a series public listening sessions [2] concerning this subject prior to publication of the ANPRM. Those sessions provided interested parties with the opportunity to share their views on the merits of requiring State inspections of passenger CMVs. Transcripts of the sessions are available in the public docket noted above. Stakeholders' remarks and comments proved valuable in developing the questions posed in the ANPRM, but the information they provided was not sufficient to support moving beyond the ANPRM. The Agency received a broad range of comments identifying issues FMCSA would need to consider in a rulemaking, such as the costs of mandatory inspection programs, the value of a nation-wide uniform inspection standard, and the need for national training of inspectors to eliminate inconsistencies in how inspection standards are applied. Both industry and the enforcement community expressed concerns about the cost of an inspection program. Stakeholders' estimates of costs for program administration and individual inspections varied significantly.

The Agency does not foresee the availability of Federal funding to incentivize the States to adopt such programs under its existing grant programs.

Issued under the authority of delegation in 49 CFR 1.87 on: April 25, 2017.

Daphne Y. Jefferson,

Deputy Administrator.

[FR Doc. 2017–08724 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–EX–P

[2] The listening sessions were conducted at the American Bus Association Marketplace in St. Louis, Missouri on January 13, 2015, a United Motor Coach Association meeting in New Orleans, Louisiana on January 18, 2015, and a Commercial Vehicle Safety Alliance workshop in Jacksonville, Florida on April 14, 2015.

Notices

Federal Register
Vol. 82, No. 82
Monday, May 1, 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.

AFRICAN DEVELOPMENT FOUNDATION

Public Quarterly Meeting of the Board of Directors

AGENCY: United States African Development Foundation.

ACTION: Notice of meeting.

SUMMARY: The US African Development Foundation (USADF) will hold its quarterly meeting of the Board of Directors to discuss the agency's programs and administration.

DATES: The meeting date is Tuesday, May 9, 9:00 a.m. to 12:30 p.m.

ADDRESSES: The meeting location is USADF, 1400 I St. NW., Suite 1000, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Marie-Cecile Groelsema, 202–233–8883.

Authority: Public Law 96–533 (22 U.S.C. 290h).

Dated: April 26, 2017.

June B. Brown,

Interim General Counsel.

[FR Doc. 2017–08768 Filed 4–28–17; 8:45 am]

BILLING CODE 6117–01–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2016–0059]

National Wildlife Services Advisory Committee; Notice of Solicitation for Membership

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of solicitation for membership.

SUMMARY: We are giving notice that the Secretary of Agriculture is soliciting nominations for the National Wildlife Services Advisory Committee.

DATES: Consideration will be given to nominations received on or before June 30, 2017.

ADDRESSES: Nomination packages may be sent by postal mail or commercial delivery to The Office of the Secretary, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington, DC 20250, Attn: Secretary's National Wildlife Services Advisory Committee. Nomination packages may also be emailed to *carrie.e.joyce@aphis.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Ms. Carrie Joyce, Designated Federal Officer, WS, APHIS, 4700 River Road Unit 87, Riverdale, MD 20737; (301) 851–3999.

SUPPLEMENTARY INFORMATION: The National Wildlife Services Advisory Committee (the Committee) advises the Secretary of Agriculture on policies, program issues, and research needed to conduct the Wildlife Services program. The Committee also serves as a public forum enabling those affected by the Wildlife Services program to have a voice in the program's policies. The Committee Chairperson and Vice Chairperson shall be elected by the Committee from among its members.

We are soliciting nominations from interested organizations and individuals. An organization may nominate individuals from within or outside of its membership; alternatively, an individual may nominate herself or himself. Nomination packages should include a nomination form along with a cover letter or resume that documents the nominee's experience. Nomination forms are available on the Internet at *https://www.ocio.usda.gov/document/ad-755* or may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

The Secretary will select members to obtain the broadest possible representation on the Committee, in accordance with the Federal Advisory Committee Act (5 U.S.C. App. II) and U.S. Department of Agriculture (USDA) Regulation 1041–1. Equal opportunity practices, in line with the USDA policies, will be followed in all appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership should include, to the extent practicable, individuals with demonstrated ability to represent minorities, women, and persons with disabilities.

Done in Washington, DC, on April 25, 2017.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2017–08733 Filed 4–28–17; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Advance Notification of Sunset Reviews

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

Background

Every five years, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') and the International Trade Commission automatically initiate and conduct a review to determine whether revocation of a countervailing or antidumping duty order or termination of an investigation suspended under section 704 or 734 of the Act would be likely to lead to continuation or recurrence of dumping or a countervailable subsidy (as the case may be) and of material injury.

Upcoming Sunset Reviews for June 2017

The following Sunset Reviews are scheduled for initiation in June 2017 and will appear in that month's Notice of Initiation of Five-Year Sunset Reviews (''Sunset Reviews'').

	Department contact
Antidumping Duty Proceedings:	
Circular Welded Non-Alloy Steel Pipe from Brazil (A–351–809) (4th Review)	Jacqueline Arrowsmith (202) 482–5255.
Welded Carbon Steel Pipe and Tube from India (A–533–502) (4th Review)	Robert James (202) 482–0649.
Stainless Steel Butt-Weld Pipe Fitting from Italy (A–475–828) (3rd Review)	Jacqueline Arrowsmith (202) 482–5255.
Stainless Steel Butt-Weld Pipe Fitting from Malaysia (A–557–809) (3rd Review)	Jacqueline Arrowsmith (202) 482–5255.
Circular Welded Non-Alloy Steel Pipe from Mexico (A–201–80) (4th Review)	Jacqueline Arrowsmith (202) 482–5255.
Stainless Steel Butt-Weld Pipe Fitting from the Philippines (A–565–801) (3rd Review)	Jacqueline Arrowsmith (202) 482–5255.
Circular Welded Non-Alloy Steel Pipe from Republic of Korea (A–580–809) (4th Review)	Jacqueline Arrowsmith (202) 482–5255.
Circular Welded Non-Alloy Steel Pipe from Taiwan (A–583–814) (4th Review)	Jacqueline Arrowsmith (202) 482–5255.
Certain Circular Welded Carbon Steel Pipe and Tubes from Taiwan (A–583–008) (4th Review)	Jacqueline Arrowsmith (202) 482–5255.
Certain Circular Welded Carbon Steel Pipe and Tubes from Thailand (A–549–502) (4th Review)	Robert James (202) 482–0649.
Certain Circular Welded Carbon Steel Pipe and Tubes from Turkey (A–489–501) (4th Review)	Robert James (202) 482–0649.
Countervailing Duty Proceedings:	
Certain Circular Welded Carbon Steel Pipe and Tubes from Turkey (C–489–502) (4th Review)	Robert James (202) 482–0649.
Suspended Investigations:	
No Sunset Review of suspended investigations is scheduled for initiation in June 2017.	

The Department's procedures for the conduct of Sunset Reviews are set forth in 19 CFR 351.218. The Notice of Initiation of Five-Year (''Sunset'') Reviews provides further information regarding what is required of all parties to participate in Sunset Reviews.

Pursuant to 19 CFR 351.103(c), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Please note that if the Department receives a Notice of Intent to Participate from a member of the domestic industry within 15 days of the date of initiation, the review will continue. Thereafter, any interested party wishing to participate in the Sunset Review must provide substantive comments in response to the notice of initiation no later than 30 days after the date of initiation.

This notice is not required by statute but is published as a service to the international trading community.

Dated: April 24, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–08729 Filed 4–28–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year (''Sunset'') Reviews

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

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the Department of Commerce (''the Department'') is automatically initiating the five-year reviews (''Sunset Reviews'') of the antidumping and countervailing duty (''AD/CVD'') order(s) listed below. The International Trade Commission (''the Commission'') is publishing concurrently with this notice its notice of *Institution of Five-Year Review* which covers the same order(s).

DATES: Effective May 1, 2017.

FOR FURTHER INFORMATION CONTACT: The Department official identified in the *Initiation of Review* section below at AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year (''Sunset'') Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

Initiation of Review

In accordance with 19 CFR 351.218(c), we are initiating Sunset Reviews of the following antidumping and countervailing duty order(s):

DOC case No.	ITC case No.	Country	Product	Department contact
A–588–854	731–TA–860	Japan	Tin Mill Products (3rd Review)	Jacqueline Arrowsmith (202) 482–5255.
A–570–862	731–TA–891	PRC	Foundry Coke (3rd Review)	Matthew Renkey (202) 482–2312.
A–570–977	731–TA–1188	PRC	High Pressure Steel Cylinders (1st Review)	Matthew Renkey (202) 482–2312.
C–570–978	701–TA–480	PRC	High Pressure Steel Cylinders (1st Review)	Robert James (202) 482–0649.

Filing Information

As a courtesy, we are making information related to sunset proceedings, including copies of the pertinent statute and Department's regulations, the Department's schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on the Department's Web site at the following address: ''*http://enforcement.trade.gov/sunset/*.'' All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding

format, translation, and service of documents. These rules, including electronic filing requirements via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''), can be found at 19 CFR 351.303.[1]

This notice serves as a reminder that any party submitting factual information in an AD/CVD proceeding must certify to the accuracy and completeness of that information.[2] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in these segments.[3] The formats for the revised certifications are provided at the end of the *Final Rule.* The Department intends to reject factual submissions if the submitting party does not comply with the revised certification requirements.

On April 10, 2013, the Department modified two regulations related to AD/CVD proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301).[4] Parties are advised to review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information in these segments. To the extent that other regulations govern the submission of factual information in a segment (such as 19 CFR 351.218), these time limits will continue to be applied. Parties are also advised to review the final rule concerning the extension of time limits for submissions in AD/CVD proceedings, available at *http://enforcement.trade.gov/frn/2013/1309frn/2013-22853.txt,* prior to submitting factual information in these segments.[5]

Letters of Appearance and Administrative Protective Orders

Pursuant to 19 CFR 351.103(d), the Department will maintain and make available a public service list for these proceedings. Parties wishing to participate in any of these five-year reviews must file letters of appearance as discussed at 19 CFR 351.103(d)). To facilitate the timely preparation of the public service list, it is requested that those seeking recognition as interested parties to a proceeding submit an entry of appearance within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties who want access to proprietary information under administrative protective order (''APO'') to file an APO application immediately following publication in the **Federal Register** of this notice of initiation. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties, as defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b), wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review.[6]

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in a Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews. Consult the Department's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218(c).

Dated: April 24, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–08731 Filed 4–28–17; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See also Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

[2] *See* section 782(b) of the Act.

[3] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*'') (amending 19 CFR 351.303(g)).

[4] *See Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013).

[5] *See Extension of Time Limits,* 78 FR 57790 (September 20, 2013).

[6] *See* 19 CFR 351.218(d)(1)(iii).

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (''the Act''), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (''the Department'') conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties having an APO

within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after May 2017, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its ''Opportunity to Request Administrative Review'' notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

Opportunity to Request a Review: Not later than the last day of May 2017,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in May for the following periods:

	Period of review
Antidumping Duty Proceedings:	
BELGIUM: Stainless Steel Plate in Coil A–423–808	5/1/16–4/30/17
BRAZIL: Iron Construction Castings A–351–503	5/1/16–4/30/17
CANADA: Citric Acid and Citrate Salt A–122–853	5/1/16–4/30/17
CANADA: Polyethylene Terephthalate Resin A–122–855	10/15/15–4/30/17
INDIA: Polyethylene Terephthalate Resin A–533–861	10/15/15–4/30/17
INDIA: Silicomanganese A–533–823	5/1/16–4/30/17
INDIA: Welded Carbon Steel Pipe and Tube A–533–502	5/1/16–4/30/17
INDONESIA: Polyethylene Retail Carrier Bags A–560–822	5/1/16–4/30/17
JAPAN: Diffusion-Annealed Nickel-Plated Flat-Rolled Steel Products A–588–869	5/1/16–4/30/17
JAPAN: Gray Portland Cement and Cement Clinker A–588–815	5/1/16–4/30/17
KAZAKHSTAN: Silicomanganese A–834–807	5/1/16–4/30/17
OMAN: Polyethylene Terephthalate Resin A–523–810	10/15/15–4/30/17
REPUBLIC OF KOREA: Polyester Staple Fiber A–580–839	5/1/16–4/30/17
SOCIALIST REPUBLIC OF VIETNAM: Polyethylene Retail Carrier Bags A–552–806	5/1/16–4/30/17
SOUTH AFRICA: Stainless Steel Plate in Coils A–791–805	5/1/16–4/30/17
TAIWAN: Certain Circular Welded Carbon Steel Pipes and Tubes A–583–008	5/1/16–4/30/17
TAIWAN: Polyester Staple Fiber A–583–833	5/1/16–4/30/17
TAIWAN: Polyethylene Retail Carrier Bags A–583–843	5/1/16–4/30/17
TAIWAN: Stainless Steel Plate in Coils A–583–830	5/1/16–4/30/17
TAIWAN: Stilbenic Optical Brightening Agents A–583–848	5/1/16–4/30/17
THE PEOPLE'S REPUBLIC OF CHINA: Aluminum Extrusions A–570–967	5/1/16–4/30/17
THE PEOPLE'S REPUBLIC OF CHINA: Circular Welded Carbon Quality Steel Line Pipe A–570–935	5/1/16–4/30/17
THE PEOPLE'S REPUBLIC OF CHINA: Citric Acid and Citrate Salt A–570–937	5/1/16–4/30/17
THE PEOPLE'S REPUBLIC OF CHINA: Iron Construction Castings A–570–502	5/1/16–4/30/17
THE PEOPLE'S REPUBLIC OF CHINA: Oil Country Tubular Goods A–570–943	5/1/16–4/30/17
THE PEOPLE'S REPUBLIC OF CHINA: Polyethylene Terephthalate Resin A–570–024	10/15/15–4/30/17

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

	Period of review
THE PEOPLE'S REPUBLIC OF CHINA: Pure Magnesium A–570–832	5/1/16–4/30/17
THE PEOPLE'S REPUBLIC OF CHINA: Stilbenic Optical Brightening Agents A–570–972	5/1/16–4/30/17
TURKEY: Circular Welded Carbon Steel Pipes and Tubes A–489–501	5/1/16–4/30/17
TURKEY: Light-Walled Rectangular Pipe and Tube A–489–815	5/1/16–4/30/17
UNITED ARAB EMIRATES: Steel Nails A–520–804	5/1/16–4/30/17
VENEZUELA: Silicomanganese A–307–820	5/1/16–4/30/17
Countervailing Duty Proceedings:	
BRAZIL: Iron Construction Castings C–351–504	1/1/16–12/31/16
INDIA: Polyethylene Terephthalate Resin C–533–862	8/14/15–12/31/16
SOCIALIST REPUBLIC OF VIETNAM: Polyethylene Retail Carrier Bags C–552–805	1/1/16–12/31/16
SOUTH AFRICA: Stainless Steel Plate in Coils C–791–806	1/1/16–12/31/16
THE PEOPLE'S REPUBLIC OF CHINA: Aluminum Extrusions C–570–968	1/1/16–12/31/16
THE PEOPLE'S REPUBLIC OF CHINA: Citric Acid and Citrate Salt C–570–938	1/1/16–12/31/16
THE PEOPLE'S REPUBLIC OF CHINA: Polyethylene Terephthalate Resin C–570–025	8/14/15–12/31/16
Suspension Agreements:	
None.	

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), the Department clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[2]

The Department no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.[3] Accordingly, the NME entity will not be under review unless the Department specifically receives a request for, or self-initiates, a review of the NME entity.[4] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, the Department will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity). Following initiation of an antidumping administrative review when there is no review requested of the NME entity, the Department will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS'') on Enforcement and Compliance's ACCESS Web site at *http://access.trade.gov.*[5] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of May 2017. If the Department does not receive, by the last day of May 2017, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

[2] *See also* the Enforcement and Compliance Web site at *http://trade.gov/enforcement/.*

[3] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[4] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[5] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: April 25, 2017.

Gary Taverman,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–08730 Filed 4–28–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–835]

Furfuryl Alcohol From the People's Republic of China: Final Results of Expedited Fourth Sunset Review of Antidumping Duty Order

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

SUMMARY: As a result of this sunset review, the Department of Commerce (''Department'') finds that revocation of the antidumping duty (''AD'') order on furfuryl alcohol from the People's Republic of China (''PRC'') would be likely to lead to continuation or recurrence of dumping at the dumping margins identified in the ''Final Results of Review'' section of this notice.

DATES: Effective May 1, 2017.

FOR FURTHER INFORMATION CONTACT: Keith Haynes, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5139.

SUPPLEMENTARY INFORMATION:

Background

On January 3, 2017, the Department published the notice of initiation of the fourth sunset review of the *Order,*[1] pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act'').[2] On January 21, 2017, Penn A Kem, LLC (''PennAKem''), a domestic interested party (formerly known as Penn Specialty Chemicals, Inc. and Great Lakes Chemical, the former a petitioner in the underlying investigation), timely notified the Department of its intent to participate within the deadline specified in 19 CFR 351.218(d)(1)(i). On February 1, 2017, the Department received a complete substantive response from PennAKem within the 30-day period specified in 19 CFR 351.218(d)(3)(i).[3] The Department received no substantive responses from respondent interested parties. Based on the notice of intent to participate and adequate response filed by PennAKem, and the lack of response from any respondent interested party, the Department conducted an expedited sunset review of the *Order,* pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2).

Scope of the Order

The merchandise covered by this order is furfuryl alcohol ($C_4H_3OCH_2OH$). Furfuryl alcohol is a primary alcohol, and is colorless or pale yellow in appearance. It is used in the manufacture of resins and as a wetting agent and solvent for coating resins, nitrocellulose, cellulose acetate, and other soluble dyes. The product subject to this order is classifiable under subheading 2932.13.00 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope is dispositive.

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review is provided in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice.[4] The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins of dumping likely to prevail if the *Order* were revoked. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''ACCESS''). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of the Sunset Review

Pursuant to sections 751(c)(1) and 752(c)(1) and (3) of the Act, the Department determines that revocation of the antidumping duty order on furfuryl alcohol from the PRC would be likely to lead to a continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average margins up to 50.43 percent.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: April 25, 2017.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–08732 Filed 4–28–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Advisory Committee for the Sustained National Climate Assessment

AGENCY: Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of public meeting.

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[1] *See Notice of Antidumping Duty Order: Furfuryl Alcohol From the People's Republic of China (PRC),* 60 FR 32302 (June 21, 1995) (''*Order*'').

[2] *See Initiation of Five-Year (''Sunset'') Reviews,* 82 FR 84 (January 3, 2017) (''*Notice of Initiation*'').

[3] *See* Submission from PennAKem to the Department, ''Fourth Sunset Review of the Antidumping Duty Order on Furfuryl Alcohol from the People's Republic of China; Domestic Interested Party Substantive Response to the Notice of Initiation'' (''Substantive Response''), dated February 1, 2017.

[4] *See* the Department's memorandum to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, ''Issues and Decision Memorandum for the Final Results of Expedited Fourth Sunset Review of the Antidumping Duty Order on Furfuryl Alcohol from the People's Republic of China,'' dated concurrently with this notice.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Committee for the Sustained National Climate assessment. The members will discuss issues outlined in the section on Matters to be considered.

DATES: The meeting is scheduled for May 15, 2017 from 3:00 p.m. to 6:00 p.m. Eastern Standard Time. These times and the agenda topics described below are subject to change. Please refer to the Advisory Committee's Web site: *http://sncaadvisorycommittee.noaa.gov/Meetings.aspx.*

ADDRESSES: Conference call. Public access is available at: NOAA, SSMC 3 Room 10817, 1315 East-West Highway, Silver Spring, MD. Members of the public may participate virtually by registering at: *https://attendee.gotowebinar.com/register/8089294344504416514.*

FOR FURTHER INFORMATION CONTACT: Dr. Cynthia Decker, Designated Federal Officer, SSMC3, Room 11230, 1315 East-West Hwy., Silver Spring, MD 20910; Email: *snca.advisorycommittee@noaa.gov;* or visit the Advisory Committee Web site *http://sncaadvisorycommittee.noaa.gov.*

SUPPLEMENTARY INFORMATION: The Advisory Committee for the Sustained National Climate Assessment was established by a Decision Memorandum, dated August 20, 2015. The Committee's mission is to provide advice on sustained National Climate Assessment activities and products to the Under Secretary of Commerce for Oceans and Atmosphere (Under Secretary), who will forward the advice to the Director of the Office of Science Technology Policy (OSTP). The Committee will advise on the engagement of stakeholders and on sustained assessment activities and the quadrennial National Climate Assessment (NCA4) report.

Status: The meeting will be open to public participation with a 15-minute public comment period from 5:30–5:45 p.m. Eastern Standard Time. The Advisory Committee expects that public statements presented at its meetings will not be repetitive of previously submitted verbal or written statements. In general, each individual or group making a verbal presentation will be limited to a total time of three minutes. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled public comment periods, written comments can be submitted in lieu of oral comments. Written comments should be received in the Designated Federal Officer's office by May 10 to provide sufficient time for Advisory Committee review. Written comments received by the Designated Federal Officer after May 10, will be distributed to the Advisory Committee, but may not be reviewed prior to the meeting date.

Special Accommodations: These meetings are physically accessible to people with disabilities. Requests for special accommodations may be directed no later than 12 p.m. on May 10.

Registration: Individuals and groups who wish to attend the public meeting are requested to pre-register by May 10.

Individuals or groups may register, submit written statements, and request to make oral comments, and/or request special accommodations by either of the following methods:

- Send an email message to *snca.advisorycommittee@noaa.gov.* Please Include 'May 2017 Teleconference' on the subject line; or
- Send paper statements to Dr. Cynthia Decker, Designated Federal Officer, SSMC3, Room 11230, 1315 East-West Hwy, Silver Spring, MD 20910.

Matters To Be Considered: The meeting will include discussions on the committee's proposed focus areas for addressing NOAA's request, on behalf of the Subcommittee on Global Change Research, to ''develop a set of recommendations for a Sustained Assessment process by Spring 2018. Meeting materials, including work products will be made available on the Advisory Committee's Web site: *http://sncaadvisorycommittee.noaa.gov/Meetings.aspx.*

Dated: April 26, 2017.

Paul Johnson,

Acting Deputy Chief Financial Officer/CAO, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–08758 Filed 4–28–17; 8:45 am]

BILLING CODE 3510–KD–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for National Marine Sanctuary Advisory Councils

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: ONMS is seeking applications for vacant seats for seven of its 13 national marine sanctuary advisory councils and Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council (advisory councils). Vacant seats, including positions (*i.e.,* primary and alternate), for each of the advisory councils are listed in this notice under **SUPPLEMENTARY INFORMATION.** Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; views regarding the protection and management of marine or Great Lakes resources; and possibly the length of residence in the area affected by the sanctuary. Applicants chosen as members or alternates should expect to serve two or three-year terms, pursuant to the charter of the specific national marine sanctuary advisory council or Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council.

DATES: Applications are due before or by Wednesday, May 31, 2017.

ADDRESSES: Application kits are specific to each advisory council. As such, application kits must be obtained from and returned to the council-specific addresses noted below.

- Channel Islands National Marine Sanctuary Advisory Council: Aubrie Fowler, NOAA Channel Islands National Marine Sanctuary, University of California, Santa Barbara, Ocean Science Education Building 514, MC 6155, Santa Barbara, CA 93106; 805–893–6425; email *Aubrie.Fowler@noaa.gov;* or download applications from *http://channelislands.noaa.gov/sac/council_news.html.*
- Gray's Reef National Marine Sanctuary Advisory Council: Chris Hines, NOAA Gray's Reef National Marine Sanctuary, 10 Ocean Science Circle, Savannah, GA 31411; 912–598–2397; email *Chris.Hines@noaa.gov;* or download applications from *http://graysreef.noaa.gov/management/sac/council_news.html.*
- Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council: Shannon Ruseborn, NOAA Inouye Regional Center, NOS/ONMS/HIHWNMS/Shannon Ruseborn, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818; 808–725–5905; email *Shannon.Ruseborn@noaa.gov;* or download applications from *http://hawaiihumpbackwhale.noaa.gov/council/council_app_accepting.html.*
- *Monitor* National Marine Sanctuary Advisory Council: William Sassorossi, *Monitor* National Marine Sanctuary, 100 Museum Drive, Newport News, VA 23606; 757–591–7329; email

William.Sassorossi@noaa.gov; or download applications from *http://monitor.noaa.gov/advisory/news.html.*

• Monterey Bay National Marine Sanctuary Advisory Council: Nichole Rodriguez, Monterey Bay National Marine Sanctuary, 99 Pacific Street, Building 455A, Monterey, CA 93940; 831–647–4206; email *Nichole.Rodriguez@noaa.gov;* or download applications from *http://montereybay.noaa.gov/.*

• National Marine Sanctuary of American Samoa Advisory Council: Joseph Paulin, National Marine Sanctuary of American Samoa, Tauese P.F. Sunia Ocean Center, P.O. Box 4318, Pago Pago, AS 96799; 684–633–6400 extension 226; email *Joseph.Paulin@noaa.gov;* or download applications from *http://americansamoa.noaa.gov.*

• Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council: Nicole Evans, NOAA Inouye Regional Center, NOS/ONMS/PMNM/Nicole Evans, 1845 Wasp Boulevard, Building 176, Honolulu, HI 96818; 808–725–5818; email *Nicole.Evans@noaa.gov;* or download applications from *http://www.papahanaumokuakea.gov/new-about/council/apply/.*

• Stellwagen Bank National Marine Sanctuary Advisory Council: Elizabeth Stokes, Stellwagen Bank National Marine Sanctuary, 175 Edward Foster Road, Scituate, MA 02066; 781–545–8026 extension 6004; email *Elizabeth.Stokes@noaa.gov;* or download applications from *http://stellwagen.noaa.gov/.*

FOR FURTHER INFORMATION CONTACT: For further information on a particular national marine sanctuary advisory council, please contact the individual identified in the **ADDRESSES** section of this notice.

SUPPLEMENTARY INFORMATION: ONMS serves as the trustee for a network of underwater parks encompassing more than 600,000 square miles of marine and Great Lakes waters from Washington state to the Florida Keys, and from Lake Huron to American Samoa. The network includes a system of 13 national marine sanctuaries and Papahānaumokuākea and Rose Atoll marine national monuments. National marine sanctuaries protect our nation's most vital coastal and marine natural and cultural resources, and through active research, management, and public engagement, sustain healthy environments that are the foundation for thriving communities and stable economies. One of the many ways ONMS ensures public participation in the designation and management of national marine sanctuaries is through the formation of advisory councils. National marine sanctuary advisory councils are community-based advisory groups established to provide advice and recommendations to the superintendents of national marine sanctuaries on issues including management, science, service, and stewardship; and to serve as liaisons between their constituents in the community and the sanctuary. Additional information on ONMS and its advisory councils can be found at *http://sanctuaries.noaa.gov.* Materials related to the purpose, policies, and operational requirements for advisory councils can be found in the charter for a particular advisory council (*http://sanctuaries.noaa.gov/management/ac/council_charters.html*) and the *National Marine Sanctuary Advisory Council Implementation Handbook* (*http://sanctuaries.noaa.gov/management/ac/acref.html*).

The following is a list of the vacant seats, including positions (*i.e.,* primary or alternate), for each of the advisory councils currently seeking applications for primary members and alternates:

Channel Islands National Marine Sanctuary: Business (Primary); Business (Alternate); Commercial Fishing (Primary); Commercial Fishing (Alternate); Conservation (Alternate); Non-consumptive Recreation (Primary); Non-consumptive Recreation (Alternate); Public-at-Large (Primary); Public-at-Large (Primary); Research (Primary); Research (Alternate). Gray's Reef National Marine Sanctuary: K–12 Education (Primary); Living Resources Research (Primary).

Hawaiian Islands Humpback Whale National Marine Sanctuary: Business/Commerce (Primary); Business/Commerce (Alternate); Conservation (Alternate); Lāna'i Island (Alternate); Maui Island (Alternate); Moloka'i Island (Primary); Moloka'i Island (Alternate); Native Hawaiian (Primary); O'ahu Island (Alternate); Ocean Recreation (Alternate); Tourism (Primary). Monitor *National Marine Sanctuary: Recreational/Commercial Fishing (Primary); Youth (Primary).*

Monterey Bay National Marine Sanctuary Advisory Council: Agriculture (Alternate); Conservation (Alternate); Education (Alternate).

National Marine Sanctuary of American Samoa: Ocean Recreation/Ocean-centered Ecotourism (Primary); Swains Island (Primary).

Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Council: Research (Alternate).

Stellwagen Bank National Marine Sanctuary Advisory Council: At-Large (Primary); At-Large (Alternate); Business Industry (Primary); Conservation (Primary); Education (Alternate); Youth (Primary); Youth (Alternate).

Authority: 16 U.S.C. 1431 *et seq.* (Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: March 23, 2017.

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2017–06711 Filed 4–28–17; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Expanding Opportunity Through Quality Charter Schools Program (CSP)—Grants to State Entities; Correction

Catalog of Federal Domestic Assistance (CFDA) Number: 84.282A.

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice; correction.

SUMMARY: On April 25, 2017, we published in the **Federal Register** (82 FR 19030) a notice of correction for a notice inviting applications for new awards for fiscal year (FY) 2017 for the CSP Grants to State Entities program. This notice corrects the CFDA number in the notice of correction.

DATES:

Deadline for Transmittal of Applications: May 18, 2017.

Deadline for Intergovernmental Review: July 17, 2017.

FOR FURTHER INFORMATION CONTACT: Kathryn Meeley, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W257, Washington, DC 20202–5970. Telephone: (202) 453–6818, or by email: *kathryn.meeley@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On April 25, 2017, we published in the **Federal Register** (82 FR 19030) a notice of correction for a notice inviting applications for new awards for FY 2017 for the CSP Grants to State Entities program. This notice corrects the CFDA number in the notice of correction.

All other requirements and conditions stated in the notice inviting applications, as amended by the notice of correction, remain the same.

Correction

In FR Doc. No. 2017–08362, in the **Federal Register** of April 25, 2017 (82 FR 19030), on page 19030, in the left column, under the heading ''Action'', after the phrase ''Catalog of Federal Domestic Assistance (CFDA) Number:'', we correct the CFDA number to read ''84.282A''.

Program Authority: Title IV, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (20 U.S.C. 7221–7221j).

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 26, 2017.

Margo Anderson,

Acting Deputy Assistant Secretary, Office of Innovation and Improvement.

[FR Doc. 2017–08776 Filed 4–28–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2017–ICCD–0058]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; 2016–17 Baccalaureate and Beyond Longitudinal Study (B&B: 16/17) Main Study

AGENCY: Department of Education (ED), National Center for Education Statistics (NCES).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

DATES: Interested persons are invited to submit comments on or before May 31, 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–0058. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 224–82, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact NCES Information Collections at *NCES.Information.Collections@ed.gov.*

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: 2016–17 Baccalaureate and Beyond Longitudinal Study (B&B: 16/17) Main Study.

OMB Control Number: 1850–0926.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 22,481.

Total Estimated Number of Annual Burden Hours: 9,812.

Abstract: This request is for the National Center for Education Statistics (NCES) to conduct the 2016/17 Baccalaureate and Beyond Longitudinal Study (B&B:16/17). The B&B studies of the education, work, financial, and personal experiences of individuals who have completed a bachelor's degree at a given point in time are a series of longitudinal studies. Every 8 years, students are identified as bachelor's degree recipients through the National Postsecondary Student Aid Study (NPSAS). B&B:16/17 is the first follow-up of a panel of baccalaureate degree recipients identified in the 2015–16 NPSAS, and part of the fourth cohort (B&B:16) of the B&B series. B&B cohorts prior to B&B:16 were approved under OMB# 1850–0729. The B&B:16 cohort is submitted and reviewed under OMB# 1850–0926. The primary purposes of the B&B studies are to describe the post-baccalaureate paths of new college graduates, with a focus on their experiences in the labor market and post-baccalaureate education, and their education-related debt. B&B also focuses on the continuing education paths of science, technology, engineering, and mathematics (STEM) graduates, as well as the experiences of those who have begun careers in education of students through the 12th grade. Since graduating from college in 2014–15 for the field test, and 2015–16 for the full-scale study, members of this B&B:16 cohort will begin moving into and out of the workforce, enrolling in additional undergraduate and graduate education, forming families, and repaying undergraduate education-related debt. Documenting these choices and pathways, along with individual, institutional, and employment characteristics that may be related to those choices, provides critical information on the costs and benefits of a bachelor's degree in today's workforce. B&B studies include both traditional-age and non-traditional-age college graduates, whose education options and

choices often diverge considerably, and allow study of the paths taken by these different graduates. B&B:16/17 main study data collection is scheduled to take place from July 2017 through March 2018.

Dated: April 26, 2017.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–08739 Filed 4–28–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Federal Need Analysis Methodology for the 2018–19 Award Year—Federal Pell Grant, Federal Perkins Loan, Federal Work-Study, Federal Supplemental Educational Opportunity Grant, William D. Ford Federal Direct Loan, Iraq and Afghanistan Service Grant and TEACH Grant Programs

AGENCY: Federal Student Aid, Department of Education.

ACTION: Notice.

Catalog of Federal Domestic Assistance (CFDA) Numbers: 84.063; 84.038; 84.033; 84.007; 84.268; 84.408; 84.379.

SUMMARY: The Secretary announces the annual updates to the tables used in the statutory Federal Need Analysis Methodology that determines a student's expected family contribution (EFC) for award year (AY) 2018–19 for these student financial aid programs. The intent of this notice is to alert the financial aid community and the broader public to these required annual updates used in the determination of student aid eligibility.

FOR FURTHER INFORMATION CONTACT: Marya Dennis, U.S. Department of Education, Room 63G2, Union Center Plaza, 830 First Street NE., Washington, DC 20202–5454. Telephone: (202) 377–3385.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Part F of title IV of the Higher Education Act of 1965, as amended (HEA), specifies the criteria, data elements, calculations, and tables the Department of Education (Department) uses in the Federal Need Analysis Methodology to determine the EFC.

Section 478 of the HEA requires the Secretary to annually update the following four tables for price inflation—the Income Protection Allowance (IPA), the Adjusted Net Worth (NW) of a Business or Farm, the Education Savings and Asset Protection Allowance, and the Assessment Schedules and Rates. The updates are based, in general, upon increases in the Consumer Price Index (CPI).

For AY 2018–19, the Secretary is charged with updating the IPA for parents of dependent students, adjusted NW of a business or farm, the education savings and asset protection allowance, and the assessment schedules and rates to account for inflation that took place between December 2016 and December 2017. However, because the Secretary must publish these tables before December 2017, the increases in the tables must be based on a percentage equal to the estimated percentage increase in the Consumer Price Index for All Urban Consumers (CPI–U) for 2017. The Secretary must also account for any under- or over-estimation of inflation for the preceding year.

In developing the table values for the 2017–18 AY, the Secretary's assumed 2.1 percent increase in the CPI–U for the period December 2015 through December 2016 was the actual inflation for this time period. The Secretary estimates that the increase in the CPI–U for the period December 2016 through December 2017 will be 2.3 percent.

Additionally, section 601 of the College Cost Reduction and Access Act of 2007 (CCRAA, Pub. L. 110–84) amended sections 475 through 478 of the HEA affecting the IPA tables for the 2009–10 through 2012–13 AYs and required the Department to use a percentage of the estimated CPI to update the table in subsequent years. These changes to the IPA impact dependent students, as well as independent students with dependents other than a spouse and independent students without dependents other than a spouse. This notice includes the new 2018–19 AY values for the IPA tables, which reflect the CCRAA amendments. The updated tables are in sections 1 (Income Protection Allowance), 2 (Adjusted Net Worth of a Business or Farm), and 4 (Assessment Schedules and Rates) of this notice.

As provided for in section 478(d) of the HEA, the Secretary must also revise the education savings and asset protection allowances for each AY. The Education Savings and Asset Protection Allowance table for AY 2018–19 has been updated in section 3 of this notice.

Section 478(h) of the HEA also requires the Secretary to increase the amount specified for the employment expense allowance, adjusted for inflation. This calculation is based on increases in the Bureau of Labor Statistics' marginal costs budget for a two-worker family compared to a one-worker family. The items covered by this calculation are: Food away from home, apparel, transportation, and household furnishings and operations. The Employment Expense Allowance table for AY 2018–19 has been updated in section 5 of this notice.

The HEA requires the following annual updates:

1. *Income Protection Allowance.* This allowance is the amount of living expenses associated with the maintenance of an individual or family that may be offset against the family's income. The allowance varies by family size. The IPA for the dependent student is $6,570. The IPAs for parents of dependent students for AY 2018–19 are as follows:

PARENTS OF DEPENDENT STUDENTS

Family size	Number in college				
	1	2	3	4	5
2	$18,320	$15,180			
3	22,810	19,690	$16,560		
4	28,170	25,040	21,920	$18,790	
5	33,240	30,100	26,990	23,850	$20,740
6	38,880	35,740	32,630	29,490	26,380

For each additional family member add $4,390. For each additional college student subtract $3,120.

The IPAs for independent students with dependents other than a spouse for AY 2018–19 are as follows:

INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE

Family size	Number in college				
	1	2	3	4	5
2	$25,870	$21,450			
3	32,210	27,810	$23,390		
4	39,780	35,370	30,960	$26,530	
5	46,940	42,500	38,100	33,690	$29,290
6	54,890	50,480	46,080	41,640	37,250

For each additional family member add $6,200. For each additional college student subtract $4,400.

The IPAs for single independent students and independent students without dependents other than a spouse for AY 2018–19 are as follows:

Marital status	Number in college	IPA
Single	1	$10,220
Married	2	10,220

Marital status	Number in college	IPA
Married	1	16,380

2. *Adjusted Net Worth of a Business or Farm.* A portion of the full NW (assets less debts) of a business or farm is excluded from the calculation of an EFC because (1) the income produced from these assets is already assessed in another part of the formula; and (2) the formula protects a portion of the value of the assets.

The portion of these assets included in the contribution calculation is computed according to the following schedule. This schedule is used for parents of dependent students, independent students without dependents other than a spouse, and independent students with dependents other than a spouse.

If the NW of a business or farm is	Then the adjusted NW is
Less than $1	$0.
$1 to $130,000	$0 + 40% of NW.
$130,001 to $390,000	$52,000 + 50% of NW over $130,000.
$390,001 to $655,000	$182,000 + 60% of NW over $390,000.
$655,001 or more	$341,000 + 100% of NW over $655,000.

3. *Education Savings and Asset Protection Allowance.* This allowance protects a portion of NW (assets less debts) from being considered available for postsecondary educational expenses. There are three asset protection allowance tables: One for parents of dependent students, one for independent students without dependents other than a spouse, and one for independent students with dependents other than a spouse.

PARENTS OF DEPENDENT STUDENTS

If the age of the older parent is	And they are	
	Married	Single
	Then the education savings and asset protection allowance is	
25 or less	0	0
26	1,200	700
27	2,400	1,400
28	3,500	2,200
29	4,700	2,900
30	5,900	3,600
31	7,100	4,300
32	8,300	5,000
33	9,400	5,800
34	10,600	6,500
35	11,800	7,200
36	13,000	7,900
37	14,200	8,600
38	15,300	9,400
39	16,500	10,100
40	17,700	10,800
41	18,100	11,000
42	18,500	11,300
43	18,900	11,500
44	19,300	11,800
45	19,800	12,000

PARENTS OF DEPENDENT STUDENTS—Continued

If the age of the older parent is	And they are	
	Married	Single
	Then the education savings and asset protection allowance is	
46	20,300	12,300
47	20,700	12,600
48	21,300	12,900
49	21,800	13,200
50	22,300	13,500
51	22,900	13,800
52	23,500	14,100
53	24,100	14,400
54	24,800	14,800
55	25,400	15,200
56	26,100	15,500
57	26,800	15,900
58	27,600	16,300
59	28,300	16,700
60	29,100	17,100
61	30,000	17,600
62	30,800	18,000
63	31,700	18,500
64	32,600	19,000
65 or older	33,600	19,500

INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE

If the age of the student is	And they are	
	Married	Single
	Then the education savings and asset protection allowance is	
25 or less	0	0
26	1,200	700
27	2,400	1,400
28	3,500	2,200
29	4,700	2,900
30	5,900	3,600
31	7,100	4,300
32	8,300	5,000
33	9,400	5,800
34	10,600	6,500
35	11,800	7,200
36	13,000	7,900
37	14,200	8,600
38	15,300	9,400
39	16,500	10,100
40	17,700	10,800
41	18,100	11,000
42	18,500	11,300
43	18,900	11,500
44	19,300	11,800
45	19,800	12,000
46	20,300	12,300
47	20,700	12,600
48	21,300	12,900
49	21,800	13,200
50	22,300	13,500
51	22,900	13,800
52	23,500	14,100
53	24,100	14,400
54	24,800	14,800
55	25,400	15,200
56	26,100	15,500
57	26,800	15,900
58	27,600	16,300
59	28,300	16,700
60	29,100	17,100
61	30,000	17,600

INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE—Continued

If the age of the student is	And they are	
	Married	Single
	Then the education savings and asset protection allowance is	
62	30,800	18,000
63	31,700	18,500
64	32,600	19,000
65 or older	33,600	19,500

INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE

If the age of the student is	And they are	
	Married	Single
	Then the education savings and asset protection allowance is	
25 or less	0	0
26	1,200	700
27	2,400	1,400
28	3,500	2,200
29	4,700	2,900
30	5,900	3,600
31	7,100	4,300
32	8,300	5,000
33	9,400	5,800
34	10,600	6,500
35	11,800	7,200
36	13,000	7,900
37	14,200	8,600
38	15,300	9,400
39	16,500	10,100
40	17,700	10,800
41	18,100	11,000
42	18,500	11,300
43	18,900	11,500
44	19,300	11,800
45	19,800	12,000
46	20,300	12,300
47	20,700	12,600
48	21,300	12,900
49	21,800	13,200
50	22,300	13,500
51	22,900	13,800
52	23,500	14,100
53	24,100	14,400
54	24,800	14,800
55	25,400	15,200
56	26,100	15,500
57	26,800	15,900
58	27,600	16,300
59	28,300	16,700
60	29,100	17,100
61	30,000	17,600
62	30,800	18,000
63	31,700	18,500
64	32,600	19,000
65 or older	33,600	19,500

4. *Assessment Schedules and Rates.* Two schedules that are subject to updates—one for parents of dependent students and one for independent students with dependents other than a spouse—are used to determine the EFC from family financial resources toward educational expenses. For dependent students, the EFC is derived from an assessment of the parents' adjusted available income (AAI). For independent students with dependents other than a spouse, the EFC is derived from an assessment of the family's AAI. The AAI represents a measure of a family's financial strength, which considers both income and assets.

The parents' contribution for a dependent student is computed according to the following schedule:

If AAI is	Then the contribution is
Less than −$3,409	−$750.
($3,409) to $16,400	22% of AAI.
$16,401 to $20,500	$3,608 + 25% of AAI over $16,400.
$20,501 to $24,700	$4,633 + 29% of AAI over $20,500.
$24,701 to $28,900	$5,851 + 34% of AAI over $24,700.
$28,901 to $33,100	$7,279 + 40% of AAI over $28,900.
$33,101 or more	$8,959 + 47% of AAI over $33,100.

The contribution for an independent student with dependents other than a spouse is computed according to the following schedule:

If AAI is	Then the contribution is
Less than −$3,409	−$750.
($3,409) to $16,400	22% of AAI.
$16,401 to $20,500	$3,608 + 25% of AAI over $16,400.
$20,501 to $24,700	$4,633 + 29% of AAI over $20,500.
$24,701 to $28,900	$5,851 + 34% of AAI over $24,700.
$28,901 to $33,100	$7,279 + 40% of AAI over $28,900.
$33,101 or more	$8,959 + 47% of AAI over $33,100.

5. *Employment Expense Allowance.* This allowance for employment-related expenses—which is used for the parents of dependent students and for married independent students—recognizes additional expenses incurred by working spouses and single-parent households. The allowance is based on the marginal differences in costs for a two-worker family compared to a one-worker family. The items covered by these additional expenses are: Food away from home, apparel, transportation, and household furnishings and operations.

The employment expense allowance for parents of dependent students, married independent students without dependents other than a spouse, and independent students with dependents other than a spouse is the lesser of $4,000 or 35 percent of earned income.

6. *Allowance for State and Other Taxes.* The allowance for State and other taxes protects a portion of parents' and students' incomes from being considered available for postsecondary educational expenses. There are four categories for State and other taxes, one each for parents of dependent students, independent students with dependents other than a spouse, dependent students, and independent students without dependents other than a spouse. Section 478(g) of the HEA directs the Secretary to update the tables for State and other taxes after reviewing the Statistics of Income file data maintained by the Internal Revenue Service.

PERCENT OF INCOME PAID IN STATE TAXES, BY STATUS OF HAVING DEPENDENTS OTHER THAN A SPOUSE, INCOME LEVEL, AND STATE

State	Parents of dependents and independents with dependents other than a spouse		Dependents and independents without dependents other than a spouse
	Percent of total income		
	Under $15,000	$15,000 & Up	All
Alabama	3	2	2
Alaska	2	1	0
Arizona	3	2	2
Arkansas	4	3	3
California	8	7	6
Colorado	4	3	3
Connecticut	8	7	5
Delaware	4	3	3
District of Columbia	7	6	6
Florida	3	2	1
Georgia	5	4	3
Hawaii	5	4	4
Idaho	4	3	3
Illinois	6	5	3
Indiana	4	3	3
Iowa	5	4	3
Kansas	4	3	2
Kentucky	5	4	3
Louisiana	3	2	2
Maine	6	5	3
Maryland	8	7	5

PERCENT OF INCOME PAID IN STATE TAXES, BY STATUS OF HAVING DEPENDENTS OTHER THAN A SPOUSE, INCOME LEVEL, AND STATE—Continued

State	Parents of dependents and independents with dependents other than a spouse		Dependents and independents without dependents other than a spouse
	Percent of total income		
	Under $15,000	$15,000 & Up	All
Massachusetts	6	5	4
Michigan	4	3	2
Minnesota	6	5	4
Mississippi	3	2	2
Missouri	4	3	3
Montana	4	3	3
Nebraska	5	4	3
Nevada	2	1	1
New Hampshire	4	3	1
New Jersey	9	8	4
New Mexico	3	2	2
New York	9	8	6
North Carolina	5	4	3
North Dakota	2	1	1
Ohio	5	4	3
Oklahoma	3	2	2
Oregon	7	6	5
Pennsylvania	5	4	3
Rhode Island	6	5	3
South Carolina	4	3	3
South Dakota	2	1	1
Tennessee	2	1	1
Texas	3	2	1
Utah	5	4	3
Vermont	6	5	3
Virginia	6	5	4
Washington	3	2	1
West Virginia	3	2	2
Wisconsin	6	5	4
Wyoming	2	1	1
Other	2	1	1

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Program Authority: 20 U.S.C. 1087rr.

Dated: April 26, 2017.

James W. Runcie,

Chief Operating Officer Federal Student Aid.

[FR Doc. 2017–08779 Filed 4–28–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2017–OCFO–0013]

Privacy Act of 1974; System of Records

AGENCY: Office of the Chief Financial Officer, Department of Education.

ACTION: Rescindment of System of Records Notice.

SUMMARY: In accordance with the Privacy Act of 1974, the Department of Education (Department) rescinds from its existing inventory of systems of records notices subject to the Privacy Act the system of records notice entitled ''Files and Lists of Potential and Current Consultants, Grant Application Reviewers, Peer Reviewers, and Site Visitors'' (18–03–04).

DATES: Submit your comments on this rescinded system of records notice on or before May 31, 2017.

This rescinded system of records will become effective May 1, 2017, unless it needs to be changed as a result of public comment.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including

instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''help'' tab.

• *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this rescinded system of records, address them to: Jennifer Sheriff-Parker, Executive Officer, Office of the Chief Financial Officer, U.S. Department of Education, 550 12th Street SW., Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov*. Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Jennifer Sheriff-Parker, Executive Officer, Office of the Chief Financial Officer, U.S. Department of Education, 550 12th Street SW., Washington, DC 20202. Telephone: (202)245–8440.

If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The Department rescinds one system of records notice from its inventory of record systems subject to the Privacy Act of 1974, as amended (Privacy Act) (5 U.S.C. 552a). The rescission is not within the purview of subsection (r) of the Privacy Act, which requires submission of a report on a new or altered system of records.

The following Privacy Act system of records notice is being rescinded because the records contained in this system of records notice are now maintained under the G5 System, which is currently covered by the System of Records Notice entitled ''Education's Central Automated Processing System (EDCAPS)'' (18–04–04) 80 FR 80331, 80336–80339 (Dec. 24, 2015):

1. Files and Lists of Potential and Current Consultants, Grant Application Reviewers, Peer Reviewers, and Site Visitors (18–03–04), last published in the **Federal Register** in full at 64 FR 30106, 30118–30119 (June 4, 1999) and subsequently revised at 64 FR 72406 (Dec. 27, 1999).

Thus, the records that were previously covered by this system of records notice will now be covered by the system of records notice for Education's Central Automated Processing System.

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You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: April 25, 2017.

Timothy Soltis,

Deputy Chief Financial Officer.

For the reasons discussed in the preamble, the Deputy Chief Financial Officer, Delegated the Duties of the Chief Financial Officer, rescinds the following system of records:

SYSTEM NUMBER:

(18–03–04)

SYSTEM NAME:

Files and Lists of Potential and Current Consultants, Grant Application Reviewers, Peer Reviewers, and Site Visitors.

HISTORY:

The system of records notice entitled ''Files and Lists of Potential and Current Consultants, Grant Application Reviewers, Peer Reviewers, and Site Visitors'' was last published in its entirety in the **Federal Register** at 64 FR 30106 on June 4, 1999, and subsequently corrected in the **Federal Register** at 64 FR 72406 (Dec. 27, 1999).

[FR Doc. 2017–08722 Filed 4–28–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Record of Decision and Floodplain Statement of Findings for the Golden Pass Products LLC Application To Export Liquefied Natural Gas to Non-Free Trade Agreement Countries

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Record of Decision.

SUMMARY: The U.S. Department of Energy (DOE), Office of Fossil Energy (FE) announces its decision in Golden Pass Products LLC (GPP), FE Docket No. 12–156–LNG, to issue DOE/FE Order No. 3978 (Order No. 3978), granting long-term, multi-contract authorization for GPP to engage in the export of domestically produced liquefied natural gas (LNG). GPP seeks authorization to export the LNG by vessel from its proposed export project (GPP Export Project) to be constructed contiguous to and interconnected with the existing Golden Pass LNG Terminal (Terminal), a LNG import terminal owned and operated by Golden Pass LNG Terminal LLC (GPLNG). GPP is seeking to export this LNG by vessel to any country with which the United States does not have a free trade agreement (FTA) requiring national treatment for trade in natural gas, and with which trade is not prohibited by U.S. law or policy (non-FTA countries). Order No. 3978 is issued under section 3 of the Natural Gas Act (NGA) and 10 CFR part 590 of DOE's regulations.

ADDRESSES: The EIS and this Record of Decision (ROD) are available on DOE's National Environmental Policy Act (NEPA) Web site at: *https://www.energy.gov/nepa/downloads/eis-0501-final-environmental-impact-statement.* Order No. 3978 is available on DOE/FE's Web site at: *http://www.fossil.energy.gov/programs/gasregulation/authorizations/2012_applications/Golden_Pass_Products%2C_LLC_12-156-LNG.html.* For additional information about the docket in these proceedings, contact Larine Moore, U.S. Department of Energy, Office of Regulation and International Engagement, Office of Oil and Natural Gas, Office of Fossil Energy, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: To obtain additional information about the

EIS or the ROD, contact Kyle W. Moorman, U.S. Department of Energy, Office of Regulation and International Engagement, Office of Oil and Natural Gas, Office of Fossil Energy, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–5600, or Edward Le Duc, U.S. Department of Energy, Office of the Assistant General Counsel for Environment, 1000 Independence Avenue SW., Washington, DC 20585.

SUPPLEMENTARY INFORMATION: DOE prepared this ROD and Floodplain Statement of Findings pursuant to the National Environmental Policy Act of 1969 (42 United States Code [U.S.C.] 4321, *et seq.*), and in compliance with the Council on Environmental Quality (CEQ) implementing regulations for NEPA (40 Code of Federal Regulations [CFR] parts 1500 through 1508), DOE's implementing procedures for NEPA (10 CFR part 1021), and DOE's ''Compliance with Floodplain and Wetland Environmental Review Requirements'' (10 CFR part 1022).

Background

GPP, a Delaware limited liability company with its principal place of business in Houston, Texas, proposes to construct liquefaction and export facilities (GPP Export Project) at the existing Golden Pass LNG Terminal located near Sabine Pass, Texas. The GPP Export Project will connect to the U.S. natural gas pipeline and transmission system through the proposed expansion of an existing natural gas pipeline (Pipeline Expansion Project) owned by GPP's affiliate, Golden Pass Pipeline LLC (GPPL)).

On October 26, 2012, GPP filed an application (Application) with DOE/FE seeking authorization to export domestically produced LNG in a volume equivalent to 740 Bcf/yr of natural gas to non-FTA countries. GPP stated this volume is equal to 15.6 million metric tons per annum (mtpa) of LNG based on a conversion factor of 47.256 Bcf per million metric tons. DOE/FE, however, uses a different conversion factor for U.S.-produced LNG (51.75 Bcf per million metric tons), resulting in an increased export volume.[1] Accordingly, DOE/FE is authorizing GPP to export LNG from the GPP Export Project at the Golden Pass LNG Terminal in a volume equivalent to approximately 808 Bcf/yr of natural gas.

In 2012, DOE/FE granted GPP's separate authorization to export LNG to FTA countries in a volume equivalent to 740 Bcf/yr of natural gas (2.02 Bcf/d) for a 25-year term.[2] The authorized FTA export volume is not additive to the export volume authorized in this proceeding.

Additionally, on July 7, 2014, GPP and GPPL filed their respective applications with FERC under sections 3 and 7(c) of the NGA for the siting, construction, and operation of the GPP Export Project and Pipeline Expansion Project. On December 21, 2016, FERC issued an order granting GPP its requested section 3 authorization and GPPL its requested certificate of public convenience and necessity under section 7(c).[3]

Project Description

The GPP Export Project will be constructed contiguous to and interconnected with the existing Golden Pass LNG Terminal. GPP intends to construct and operate the export facilities to maximize use of the existing import terminal facilities, with the intent of preserving full import capability of those existing facilities while also creating the proposed new export capability. By locating the GPP Export Project on this existing industrial footprint, GPP states that environmental and community effects will be minimized.

The GPP Export Project primarily will consist of feed gas treatment facilities; three liquefaction trains (each with a liquefaction capacity of 5.2 mtpa of LNG, for a total liquefaction capacity of 15.6 mtpa); a flare system to support the liquefaction trains; a truck loading and unloading facility; refrigerant and condensate storage; safety and control systems; and a supply dock and alternate marine delivery facilities at the Terminal.

GPPL's Pipeline Expansion Project will require new pipeline and associated pipeline facilities in Calcasieu Parish, Louisiana, and in Jefferson and Orange Counties, Texas, to supply natural gas to the liquefaction facility from existing natural gas transmission pipelines. This Pipeline Expansion Project primarily will include the construction of 2.6 miles of a 24-inch-diameter pipeline loop on the existing GPPL pipeline; three new compressor stations and associated above ground facilities; and modifications to existing interconnections and metering facilities with five natural gas pipeline systems.

EIS Process

FERC was the lead federal agency and initiated the NEPA process by publishing a Notice of Intent (NOI) to prepare an EIS for the GPP Export Project and Pipeline Expansion Project in FERC Docket No. PF13–14–000 on September 19, 2013. FERC conducted a single environmental review process that addressed both of these projects, and DOE participated as a cooperating agency in the preparation of the EIS. FERC issued the draft EIS on March 25, 2016, and published in the **Federal Register** a notice of availability (NOA) for the draft EIS on April 1, 2016 (81 FR 18852). FERC issued the final EIS [4] on July 29, 2016, and published a NOA for the final EIS on August 5, 2016 (81 FR 51880). The final EIS addresses comments received on the draft EIS. The final EIS also addresses geology; soils; water resources; wetlands; vegetation; wildlife and fisheries; special status species; land use, recreation, and visual resources; socioeconomics; cultural resources; air quality and noise; reliability and safety; cumulative impacts; and alternatives.

The final EIS recommended that FERC subject any approval of the GPP Export Project and Pipeline Expansion Project to 85 conditions to reduce the environmental impacts that would otherwise result from the Projects' construction and operation. Subsequently, the FERC Order authorized GPP and GPPL to site, construct, and operate their respective Projects subject to 83 environmental conditions (or mitigation measures) contained in the Appendix of the Order. Although FERC Staff had recommended 85 mitigation measures in the final EIS, FERC determined that GPP had met two of the requirements, and therefore omitted these two environmental mitigation measures from the Order. On that basis, FERC adopted 83 environmental mitigation measures as conditions to GPP's and GPPL's authorizations granted in the Order.[5]

[1] In the Application (1 n.3), GPP used a conversion factor of 47.256 Bcf per million metric tons of dry natural gas. DOE uses a conversion factor of 51.75 Bcf per million metric tons of dry natural gas to represent typical domestic natural gas quality, which converts the requested export volume to 808 Bcf/yr.

[2] *Golden Pass Products LLC,* DOE/FE Order No. 3147, FE Docket No 12–88–LNG, Order Granting Long-Term, Multi-Contract Authorization To Export Liquefied Natural Gas by Vessel from the Golden Pass LNG Terminal to Free Trade Agreement Nations (Sept. 27, 2012).

[3] *Golden Pass Products LLC,* Order Granting Authorizations Under Sections 3 and 7 of the Natural Gas Act, 157 FERC ¶ 61,222 (Dec. 21, 2016) [hereinafter FERC Order].

[4] Final Environmental Impact Statement for the Golden Pass LNG Export Project, Docket Nos. CP14–517–000 and CP14–518–000, FERC/EIS–0264F (July 2016).

[5] On February 1, 2017, FERC issued an errata to the FERC Order, in which it corrected its reference to certain environmental conditions in the text of

Continued

In accordance with 40 CFR 1506.3, after an independent review of FERC's final EIS, DOE/FE adopted FERC's final EIS (DOE/EIS–0501). The U.S. Environmental Protection Agency published a notice of the adoption on January 27, 2017 (82 FR 8613).

Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States (Addendum)

On June 4, 2014, DOE/FE published the *Draft Addendum to Environmental Review Documents Concerning Exports of Natural Gas from the United States* (Draft Addendum) for public comment (79 FR 32,258). The purpose of this review was to provide additional information to the public concerning the potential environmental impacts of unconventional natural gas exploration and production activities, including hydraulic fracturing. Although not required by NEPA, DOE/FE prepared the Draft Addendum in an effort to be responsive to the public and to provide the best information available on a subject that had been raised by commenters in this and other LNG export proceedings.

The 45-day comment period on the Draft Addendum closed on July 21, 2014. DOE/FE received 40,745 comments in 18 separate submissions, and considered those comments in issuing the final Addendum on August 15, 2014. DOE provided a summary of the comments received and responses to substantive comments in Appendix B of the Addendum. DOE/FE has incorporated the Draft Addendum, comments, and Addendum into the record in this proceeding.

Alternatives

The EIS assessed alternatives that could achieve the GPP Export Project's and Pipeline Expansion Project's objectives. The range of alternatives analyzed included the No-Action alternative, system alternatives, alternative terminal expansion sites, alternative supply dock sites, alternative terminal configurations and power sources, alternative pipeline routes, alternative pipeline expansion aboveground facility sites, alternative sites for pipe storage and contractor yards, and alternative compressor station design. Alternatives were evaluated and compared to the GPP Export Project and Pipeline Expansion Project to determine if the alternatives were environmentally preferable.

In analyzing the No-Action Alternative, the EIS reviewed the effects and actions that could result if the proposed GPP Export Project and Pipeline Expansion Project were not constructed. The EIS determined that this alternative could result in the use or expansion of other existing or proposed LNG export projects and associated interstate natural gas pipeline systems, or in the construction of new infrastructure to meet the objectives of the GPP Export Project and Pipeline Expansion Project. Any expansion of the existing or construction of the proposed systems/facilities would result in specific environmental impacts that could be less than, similar to, or greater than those associated with the GPP Export Project and Pipeline Expansion Project depending on a variety of circumstances.

The EIS evaluated system alternatives that included an evaluation of the terminal expansion as well as the pipeline system. For the LNG export terminal, the EIS evaluated five existing LNG import terminals with approved, proposed, or planned status and 18 stand-alone LNG terminals that are approved, proposed, or planned along the Gulf Coast of the U.S. In order to be a viable alternative, it would have to meet the GPP Export Project's purpose and need of the terminal expansion, be technically feasible, and offer a significant environmental advantage over the proposed terminal expansion. Based on an evaluation of the alternatives, the EIS determined that each of the potential alternatives were not reasonable or lacked significant environmental advantage over GPP Export Project's design.

To serve as a viable pipeline system alternative to the Pipeline Expansion Project, the alternative would need to (1) transport all or part of the volume of the natural gas required for liquefaction at the terminal expansion; and (2) cause significantly less impact on the environment than the proposed pipeline expansion. Additionally, the natural gas provided by the system alternative must connect to the existing GPPL pipeline or directly to the terminal expansion. The EIS determined that no single pipeline in proximity to the existing Golden Pass LNG Terminal could supply the required natural gas supply delivery pressure. Any potential pipeline alternatives would require construction of a new lateral extension to the terminal expansion or an entirely new pipeline system to connect to supply. The impacts of constructing the alternatives would result in substantially greater impacts than those of the proposed pipeline expansion.

The EIS evaluated several terminal expansion site alternatives. The EIS analyzed the feasibility of constructing the terminal expansion based on the use of the existing infrastructure such as the LNG storage tanks, LNG carrier berths, or other associated facilities. The EIS considered that the construction and operation of alternative or new facilities would substantially increase the environmental impacts of the GPP Export Project compared to the proposed use of the existing infrastructure.

For the supply dock site alternatives, the EIS considered the following three sites in comparison to the proposed site: (1) Use of the existing import terminal ship slip; (2) improvements and use of an existing marine dock (Broussard Dock); and (3) improvements and use of an existing tug berth. Each of the three alternatives required either more construction in surrounding wetlands or required removing existing equipment to allow for re-construction of necessary facilities. Based on this analysis, the EIS concluded that the proposed supply dock was the environmentally preferred alternative.

For the alternative terminal configurations and power sources, the EIS was limited due to siting requirements in terminal configurations and analyzed two power source alternatives. Due to the regulatory siting requirements regarding thermal exclusion and vapor dispersion zones, the EIS was unable to determine an alternative configuration that still met these requirements. In terms of alternative power sources to the proposed gas-fired steam turbines generators on the liquefaction trains, the EIS considered the following: (1) Power produced by onsite steam generation plant; and (2) electrical power generated offsite. For both alternatives, higher carbon dioxide emissions and decreases in energy efficiency made the proposed power source the preferred option.

For the alternative pipeline routes, the EIS did not identify any environmental concerns that would require the need to identify and evaluate alternative pipeline routes to minimize environmental impacts. The proposed route would limit the environmental impacts and is the preferred alternative.

The EIS evaluated alternative sites for the proposed three compressor stations and associated aboveground facilities for the pipeline expansion. To assess alternative compressor station sites, the EIS considered the following seven factors: (1) Compression requirements; (2) distance from the nearest Noise Sensitive Areas; (3) use of upland areas to minimize impacts on wetlands; (4)

the Order. *Golden Pass Products, LLC, et al.,* Errata Notice, 158 FERC ¶ 61,106 (Feb. 1, 2017).

impacts on cultural resources or eligible historic properties; (5) presence of known contamination due to industrial activities; (6) presence of natural visual screening; and (7) accessibility. For each of the three proposed compressor stations and their proposed sites, the EIS determined the alternative either offered no significant environmental advantage or would have a more substantial impact on wetlands compared to the proposed site.

Regarding the associated aboveground facilities for the pipeline expansion, the proposed aboveground facilities were all within the existing GPPL pipeline right-of-way. As a result, the EIS did not identify any environmental concerns that indicated the need to evaluate alternative sites.

For alternative sites for pipe storage and contractor yard, the EIS considered one alternative to the proposed site. The alternative site consisted of land with varying commercial/industrial and agricultural uses. If the alternative site was selected, the agricultural use would be displaced. The proposed site, in comparison, is already previously distributed industrial-use land used for the construction of the existing GPPL pipeline. As a result, the alternative site did not offer a significant environmental advantage over the proposed site.

Finally, the EIS included an alternative compressor station design. Instead of the proposed gas-fired compressors, the alternative design evaluated the use of electric-powered compressors. When comparing the two designs, the EIS focused on the issue of additional infrastructure needed to power the electric-power compressor stations. Use of electricity would require each station to install varying lengths of distribution lines to the compressor stations and a substation and/or switch station to meet power requirements. Additionally, the electrical power could come from existing electrical generation plants with varying fuel uses. However, overall emissions reductions resulting from the use of electric-powered versus gas-powered compressor stations will vary depending on the fuel used. As a result, the EIS concluded the alternative did not offer a significant environmental advantage over the proposed compressor station design.

Environmentally Preferred Alternative

When compared against the other action alternatives assessed in the EIS, as discussed above, the proposed GPP Export Project and Pipeline Expansion Project are the environmentally preferred alternatives. While the No-Action Alternative would avoid the environmental impacts identified in the EIS, adoption of this alternative would not meet the GPP Export Project and Pipeline Expansion Project objectives.

Decision

DOE has decided to issue Order No. 3978 authorizing GPP to export domestically produced LNG by vessel from the GPP Export Project located near Sabine Pass, Jefferson County, Texas to non-FTA countries, in a volume up to the equivalent to 808 Bcf/yr of natural gas for a term of 20 years to commence on the earlier of the date of first commercial export or seven years from the date that the Order is issued.

Concurrently with this Record of Decision, DOE is issuing Order No. 3978, in which it finds that the requested authorization has not been shown to be inconsistent with the public interest, and that the Application should be granted subject to compliance with the terms and conditions set forth in the Order, including the 83 environmental conditions recommended in the EIS and adopted in the FERC Order at Appendix A. Additionally, this authorization is conditioned on GPP's compliance with any other mitigation measures imposed by other federal or state agencies.

Basis of Decision

DOE's decision is based upon the analysis of potential environmental impacts presented in the EIS, and DOE's determination in Order No. 3978 that the opponents of GPP's Application have failed to overcome the statutory presumption that the proposed export authorization is not inconsistent with the public interest. Although not required by NEPA, DOE/FE also considered the Addendum, which summarizes available information on potential upstream impacts associated with unconventional natural gas activities, such as hydraulic fracturing.

Mitigation

As a condition of its decision to issue Order No. 3978 authorizing GPP to export LNG to non-FTA countries, DOE is imposing requirements that will avoid or minimize the environmental impacts of the GPP Export Project. These conditions include the 83 environmental conditions recommended in the EIS and adopted in the FERC Order at Appendix A. Mitigation measures beyond those included in Order No. 3978 that are enforceable by other Federal and state agencies are additional conditions of Order No. 3978. With these conditions, DOE/FE has determined that all practicable means to avoid or minimize environmental harm from the GPP Export Project have been adopted.

Floodplain Statement of Findings

DOE prepared this Floodplain Statement of Findings in accordance with DOE's regulations, entitled ''Compliance with Floodplain and Wetland Environmental Review Requirements'' (10 CFR part 1022). The required floodplain assessment was conducted during development and preparation of the EIS (see Section 4.1.4.1 of the EIS). The EIS determined that the proposed Golden Pass LNG export terminal site is within the 100-year floodplain, as are some portions of the pipeline expansion facilities and one compressor station. While the placement of these facilities within floodplains would be unavoidable, DOE has determined that the current design for the GPP Export Project minimizes floodplain impacts to the extent practicable.

Issued in Washington, DC, on April 25, 2017.

Douglas W. Hollett,

Assistant Secretary (Acting), Office of Fossil Energy.

[FR Doc. 2017–08744 Filed 4–28–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Certification Notice—247; Notice of Filing of Self-Certification of Coal Capability Under the Powerplant and Industrial Fuel Use Act

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of filing.

SUMMARY: On March 31, 2017, PSEG Power, LLC, as owner and operator of a new baseload electric generating powerplant, submitted a coal capability self-certification to the Department of Energy (DOE) pursuant to § 201(d) of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended, and DOE regulations. The FUA and regulations thereunder require DOE to publish a notice of filing of self-certification in the **Federal Register**.

ADDRESSES: Copies of coal capability self-certification filings are available for public inspection, upon request, in the Office of Electricity Delivery and Energy Reliability, Mail Code OE–20, Room 8G–024, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Christopher Lawrence at (202) 586–5260.

SUPPLEMENTARY INFORMATION: Title II of FUA, as amended (42 U.S.C. 8301 *et seq.*), provides that no new base load electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. Pursuant to the FUA, in order to meet the requirement of coal capability, the owner or operator of such a facility proposing to use natural gas or petroleum as its primary energy source shall certify to the Secretary of Energy (Secretary) prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with FUA section 201(a) as of the date it is filed with the Secretary. 42 U.S.C. 8311.

The following owner of a proposed new baseload electric generating powerplant has filed a self-certification of coal-capability with DOE pursuant to FUA section 201(d) and in accordance with DOE regulations in 10 CFR 501.60, 61:

Owner: PSEG Power, LLC
Capacity: 540 megawatts (MW)
Plant Location: PSEG Fossil Sewaren Generating Station, Sewaren, NJ
In-Service Date: April 2018

Issued in Washington, DC, on April 11, 2017.

Brian Mills,

Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2017–08737 Filed 4–28–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–328–B]

Application To Export Electric Energy; RBC Energy Services LP

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: RBC Energy Services LP (Applicant or RBC Energy) has applied to renew its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before May 31, 2017.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On September 28, 2012, DOE issued Order No. EA–328–A to RBC Energy, which authorized the Applicant to transmit electric energy from the United States to Canada as a power marketer for a five-year term using existing international transmission facilities. That authority expires on September 26, 2017. On March 24, 2017, RBC Energy filed an application with DOE for renewal of the export authority contained in Order No. EA–328 for an additional five-year term.

In its application, RBC Energy states that it does not own or operate any electric generation or transmission facilities, and it does not have a franchised service area. The electric energy that RBC Energy proposes to export to Canada would be surplus energy purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by RBC Energy have previously been authorized by Presidential Permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning RBC Energy's application to export electric energy to Canada should be clearly marked with OE Docket No. EA–328–B. An additional copy is to be provided directly to both Chantal Marchese, Royal Bank of Canada, 200 Bay Street, 30th Floor, North Tower, Toronto, Ontario Canada M5J 2J5 and Marcus Chun, RBC Capital Markets, 200 Bay Street, 9th Floor, South Tower, Toronto, Ontario Canada M5J 2J2.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on April 11, 2017.

Brian Mills,

Senior Planning Advisor, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2017–08735 Filed 4–28–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Proposed Agency Information Collection Extension

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Notice and request for comments.

SUMMARY: The Department of Energy's (DOE) Office of Energy Efficiency and Renewable Energy (EERE), pursuant to the Paperwork Reduction Act of 1995, intends to extend for three years with the Office of Management and Budget (OMB), the EERE Environmental Questionnaire (OMB No. 1910–5175). Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DOE, including whether the information shall have practical utility; (b) the accuracy of DOE's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be

collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments regarding this proposed information collection extension must be received on or before June 30, 2017. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Written comments may be sent to Lisa Jorgensen at: U.S. Department of Energy, 15013 Denver West Parkway, Golden, CO 80401, by fax at (720–356–1790), or by email at *EEREEQComments@EE.DOE.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the EERE Environmental Questionnaire should be directed to Lisa Jorgensen at *EEREEQComments@EE.DOE.gov.* The EERE Environmental Questionnaire also is available for viewing in the Golden Field Office Public Reading Room at: *www.energy.gov/node/2299401.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.* 1910–5175;

(2) *Information Collection Request Title:* Office of Energy Efficiency and Renewable Energy (EERE) Environmental Questionnaire;

(3) *Type of Request:* Extension, with changes;

(4) *Purpose:* The DOE's EERE provides federal funding through federal assistance programs to businesses, industries, universities, and other groups for renewable energy and energy efficiency research and development and demonstration projects. The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*) requires that an environmental analysis be completed for all major federal actions significantly affecting the environment including projects entirely or partly financed by federal agencies. To effectively perform environmental analyses for these projects, the DOE's EERE needs to collect project-specific information from federal financial assistance awardees. DOE's EERE has developed its Environmental Questionnaire to obtain the required information and ensure that its decision-making processes are consistent with NEPA as it relates to renewable energy and energy efficiency research and development and demonstration projects. Minor changes have been made to the Environmental Questionnaire that help to clarify certain questions, but do not change the meaning of the questions being asked.

(5) *Annual Estimated Number of Total Responses:* 300;

(6) *Average Hours per Response:* 1; and

(7) *Annual Estimated Number of Burden Hours:* 300

(8) There is no cost associated with reporting and recordkeeping.

Statutory Authority: National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*).

Issued in Golden, CO, on April 20, 2017.

Robin L. Sweeney,

Director, Environmental Oversight Office, Office of Energy Efficiency and Renewable Energy.

[FR Doc. 2017–08743 Filed 4–28–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), Department of Energy.

ACTION: Agency information collection activities: Information collection extension; notice and request for comments.

SUMMARY: The EIA, pursuant to the Paperwork Reduction Act of 1995, intends to extend with changes for three years with the Office of Management and Budget (OMB), the surveys in the Natural Gas Data Collection Program Package under OMB Control No. 1905–0175. This program provides information on the supply and disposition of natural gas within the United States.

The surveys covered by this information collection request include:

Form EIA–176, *Annual Report of Natural and Supplemental Gas Supply and Disposition*

EIA–191, *Monthly Underground Gas Storage Report*

EIA–757, *Natural Gas Processing Plant Survey*

EIA–857, *Monthly Report of Natural Gas Purchases and Deliveries to Consumers*

EIA–910, *Monthly Natural Gas Marketer Survey*

EIA–912, *Weekly Underground Natural Gas Storage Report*

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

DATES: Comments regarding this proposed information collection must be received on or before June 30, 2017. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

ADDRESSES: Send written comments to Michael Kopalek, Natural Gas Downstream Team, Office of Petroleum and Biofuel Statistics, U.S. Energy Information Administration. To ensure receipt of the comments by the due date, submission by email (*Michael.Kopalek@eia.gov*) is recommended. The mailing address is Michael Kopalek, U.S. Energy Information Administration, U.S. Department of Energy, 1000 Independence Ave. SW., EI–25, Washington, DC 20585. Telephone 202–586–4001.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the any forms and instructions should be directed to Mr. Kopalek at the address listed above. Also, the draft forms and instructions are available on the EIA Web site at *http://www.eia.gov/survey/notice/ngdownstreamforms2015.cfm.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) OMB Control Number 1902–0175;

(2) *Information Collection Request Title:* Natural Gas Data Collection Program;

(3) *Type of Request:* Renewal, with changes;

(4) *Purpose:* The Federal Energy Administration Act of 1974 (Pub. L. 93–275, 15 U.S.C. 761 *et seq.*) and the DOE Organization Act (Pub. L. 95–91, 42 U.S.C. 7101 *et seq.*) require EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic statistics. This information is used to assess the adequacy of energy resources to meet both near- and long-term domestic demands.

EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. 3501 *et seq.*), provides the general public and other Federal agencies with opportunities to comment on the collection of energy information conducted by or in conjunction with EIA. Comments help EIA prepare information collection requests that maximize the utility of the information collected and assess the impact of collection requirements on the public.

The natural gas surveys included in the Natural Gas Data Collection Program Package collect information on natural gas underground storage, supply, processing, transmission, distribution, consumption by sector, and consumer prices. This information is used to support public policy analyses of the natural gas industry and estimates generated from data collected on these surveys. The statistics generated from these surveys are posted to the EIA Web site (*http://www.eia.gov*) and in various EIA products, including the *Weekly Natural Gas Storage Report* (WNGSR), *Natural Gas Monthly* (NGM), *Natural Gas Annual* (NGA), *Monthly Energy Review* (MER), *Short-Term Energy Outlook* (STEO), *Annual Energy Outlook* (AEO), and *Annual Energy Review* (AER). Respondents to EIA natural gas surveys include underground storage operators, processors, transporters, marketers, and distributors. Each form included as part of this package is discussed in detail below.

Please refer to the proposed forms and instructions for more information about the purpose, who must report, when to report, where to submit, the elements to be reported, detailed instructions, provisions for confidentiality, and uses (including possible nonstatistical uses) of the information. For instructions on obtaining materials, see the **FOR FURTHER INFORMATION CONTACT** section.

EIA requests a three-year extension of collection authority for each of the above-referenced surveys with proposed changes to Forms EIA–176, EIA–910, EIA–912 and minor changes to improve clarity in the instructions to Forms EIA–191, 757, and 857.

(4a) Proposed Changes to Information Collection:

Form EIA–176, *Annual Report of Natural and Supplemental Gas Supply and Disposition*

Form EIA–176 collects data on natural, synthetic, and other supplemental gas supplies, disposition, and certain revenues by state. The proposed changes include:

a. Add a question in Part 3(B) asking respondents if they have an alternative-fueled vehicle fleet, and if so, what kind and how many vehicles comprise the fleet. This information will improve survey frame coverage and data accuracy reported on Form EIA–886, *Annual Survey of Alternative Fueled Vehicles;*

b. Add a new section Part 3(E) to add a question for local distribution companies to provide all five-digit zip codes in their distribution territory where they deliver natural gas for end-use consumption. This information enables EIA to estimate the approximate service territory for a local distribution company. This information will allow EIA analysts and data customers to understand service territories associated with natural gas distributors. EIA has received inquiries for this information in the past;

c. Add a question in Part 3 (F) asking respondents for the names and zip codes of any aboveground liquefied (LNG) natural gas storage facilities that are owned by, operated by, or provide services to a survey respondent. EIA proposes to collect this information to facilitate collection of LNG data by providing a list of operators and their locations;

d. Discontinue collecting costs associated with purchase gas received within the service area. In the past, EIA spent substantial resources to validate this information. EIA has the capability to estimate values for this activity using monthly data. EIA proposes to delete this data element to reduce respondent reporting burden; and

e. *Move Part 6 Line 12.4 (from the drop down menu selection) sub-item 9096, ''Other Natural gas consumed in your operations:* Vaporization/LNG Fuel,'' to make it a standalone line item as new Line 12.4, called ''Vaporization/Liquefaction/LNG Fuel.'' The collection of ''Other Natural Gas'' consumed in operations that was previously listed on Line 12.4 will be shown as a new Line 12.6 in Part 6 with the three other drop down choices (Utilities Use, Other, and Other Expenses) available to the user. In the past, many respondents have missed reporting this data element. The proposed change is designed to improve the coverage and accuracy of respondents reporting this information and will assist EIA in its modeling and analysis.

f. Add a question in Part 6 Line 12.5, ''Vehicle fuel used in company fleet'' to collect information on vehicle fuel for company vehicles. Based on cognitive testing of the EIA–176 form, respondents were reporting natural gas vehicle fuel for their own company fleet as company use. This affects the accuracy of the vehicle fuel volumes and prices reported in Part 6 Items 10.5 and 11.5. Company use volumes do not have associated revenue and should not be included in 10.5 and 11.5. Adding this question will give respondents an explicit place to report company-owned vehicle fuel volumes and improve the accuracy of vehicle fuel prices based on Part 6 Items 10.5 and 11.5.

Form EIA–191, *Monthly Underground Gas Storage Report*

Form EIA–191 collects data on the operations of all active underground storage facilities. EIA is proposing to make the following changes to Form EIA–191:

a. Remove ''Other'' as a response option under ''type of facility'' question in Part 3 of the survey form. Respondents have not utilized this category for classifying their facilities. This open ended facility category does not provide the intended utility for EIA so EIA proposes to delete it to reduce reporting burden.

Form EIA–757, *Natural Gas Processing Plant Survey*

Form EIA–757 collects information on the capacity, status, and operations of natural gas processing plants, and monitors constraints of natural gas processing plants during periods of supply disruption in areas affected by an emergency, such as a hurricane. Schedule A of the EIA–757 is used to collect data every three years. Schedule A collects information on baseline operating and capacity information from all respondents. Schedule A was used to collect information in 2015 and the next planned collection for Schedule A is 2018. Schedule B is activated as needed and collects data from a sample of respondents in affected areas as needed. Schedule B was last activated in 2012 when Hurricane Isaac damaged energy supply infrastructure along the Gulf Coast. A sample of approximately 20 plants reported in 2012 during that energy disruption. EIA is proposing to continue the collection of the same data elements on Form EIA–757 Schedules A and B in their present form with one minor protocol change:

a. Collect EIA–757 Schedule A data for new natural gas processing plants that opened and began operations between the current three-year data collection cycles. This minor protocol change allows EIA to maintain a current frame at all times rather than updating the survey frame every three years when a new data collection cycle begins.

Form EIA–857, *Monthly Report of Natural Gas Purchases and Deliveries to Consumers*

Form EIA–857 collects data on the quantity and cost of natural gas delivered to distribution systems and the quantity and revenue of natural gas delivered to end-use consumers by market sector, on a monthly basis by state. EIA is not proposing any substantive changes to Form EIA–857.

Form EIA–910, *Monthly Natural Gas Marketer,* and Form EIA–912 *Weekly Underground Natural Gas Storage Report*

Form EIA–910 collects information on natural gas sales from marketers in selected states that have active customer choice programs. EIA is requesting information on the volume and revenue for natural gas commodity sales and any receipts for distribution charges and taxes associated with the sale of natural gas.

Form EIA–912 collects information on weekly inventories of natural gas in underground storage facilities.

EIA proposes a permanent change in the confidentiality pledge to respondents to Forms EIA–910 and EIA–912. EIA revised its confidentiality pledge to Forms EIA–910 and EIA–912 survey respondents under the Confidential Information Protection and Statistical Efficiency Act (44 U.S.C. 3501 (note)) (CIPSEA) in an emergency **Federal Register** notice published on January 12, 2017 in 82 FR 3764. These revisions were necessary because of requirements from the Federal Cybersecurity Enhancement Act of 2015 (Pub. L. 114–11, Division N, Title II, Subtitle B, Sec. 223). This law permits and requires the Secretary of the Department of Homeland Security (DHS) to provide Federal civilian agencies' information technology systems with cybersecurity protection for their Internet traffic. Federal statistics provide key information that the Nation uses to measure its performance and make informed choices about budgets, energy, employment, health, investments, taxes, and a host of other significant topics. Strong and trusted confidentiality and exclusively statistical use pledges under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) and similar statistical confidentiality pledges are effective and necessary in honoring the trust that businesses, individuals, and institutions, by their responses, place in statistical agencies. EIA proposed to make this change permanent in a separate **Federal Register** notice released on March 1, 2017 in 82 FR 12217 for all EIA surveys protected under CIPSEA. In this notice EIA proposes to permanently revise the confidentiality pledge to Form EIA–910 and EIA–912 respondents as follows:

The information you provide on Form EIA–xxx will be used for statistical purposes only and is confidential by law. In accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 and other applicable Federal laws, your responses will not be disclosed in identifiable form without your consent. Per the Federal Cybersecurity Enhancement Act of 2015, Federal information systems are protected from malicious activities through cybersecurity screening of transmitted data. Every EIA employee, as well as every agent, is subject to a jail term, a fine, or both if he or she makes public ANY identifiable information you reported.

EIA is not proposing any other substantive changes to Form EIA–910.

EIA proposes one additional change to Form EIA–912. EIA proposes to include an additional geographic data element for working gas collection and publication in the Lower 48 states:

a. Divide the ''South Central'' reporting region into ''South Central Salt'' and ''South Central Nonsalt.'' Currently EIA categorizes storage operators as either Salt facilities or Nonsalt facilities and allocates their volumes entirely to that region. This proposed change would require respondents to allocate volumes in their reported data between Salt facilities and Nonsalt facilities; this would improve the accuracy of EIA's published estimates on underground storage. For example, under the current methodology, volumes reported by a respondent with majority salt storage would be allocated entirely to the ''South Central Salt'' region, even if nearly half of their volumes were stored in nonsalt facilities. Currently, operators with more than 15 billion cubic feet (Bcf) of storage capacity in the South Central region report volumes separately between Salt facilities or Nonsalt facilities. This proposed change will require all operators in the reporting sample to report the same way.

Request for Comments: EIA invites comments on the extension of this information collection package and the proposed changes discussed above to the corresponding survey forms and instructions.

(5) *Estimated Total Number of Survey Respondents:* 3,340.

EIA–176 consists of 2,050 respondents.

EIA–191 consists of 145 respondents.

EIA–757 consists of 600 respondents.

EIA–857 consists of 330 respondents.

EIA–910 consists of 100 respondents.

EIA- 912 consists of 95 respondents.

(6) *Annual Estimated Number of Total Responses:* 14,183.

(7) *Annual Estimated Number of Burden Hours:* 50,564.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* The information is maintained in the normal course of business. The cost of the burden hours is estimated to be $3,724,554 (50,564 burden hours times $73.66 per hour). Other than the cost of burden hours, EIA estimates that there are no additional costs for generating, maintaining and providing the information.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified as 15 U.S.C. 772(b) and the DOE Organization Act of 1977, P.L. 95–91, codified at 42 U.S.C. 7101 *et seq.*

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

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U. S. Energy Information Administration.

[FR Doc. 2017–08742 Filed 4–28–17; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0737]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: 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; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of

information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before June 30, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the PRA of 1995 (44 U.S.C. 3501–3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collections.

Comments are requested concerning: 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; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0737.

Title: Disclosure Requirements for Information Services Provided Under a Presubscription or Comparable Arrangement.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 1,000 respondents; 1,000 responses.

Estimated Time per Response: 4.5 hours.

Frequency of Response: Annual and on occasion reporting requirement; Third party disclosure.

Obligation to Respond: Voluntary.

Total Annual Burden: 4,500 hours.

Total Annual Cost: None.

Nature and Extent of Confidentiality: An assurance of confidentiality is not offered because this information collection does not require the collection of personally identifiable information (PII) from individuals.

Privacy Impact Assessment: No impact(s).

Needs and Uses: Section 64.1501(b) of the Commission's rules defines a presubscription or comparable arrangement as a contractual agreement in which an information service provider makes specified disclosures to consumers when offering ''presubscribed'' information services.

The disclosures are intended to ensure that consumers receive information regarding the terms and conditions associated with these services before they enter into contracts to subscribe to them.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–08713 Filed 4–28–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0627]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: 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; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before June 30, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0627.

Title: FCC Form 302–AM, Application for AM Broadcast Station License.

Form Number: FCC Form 302–AM.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not for profit institutions.

Number of Respondents and Responses: 380 respondents and 380 responses.

Estimated Time per Response: 4–20 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 2,800 hours.

Total Annual Cost: $5,684,350.

Obligation To Respond: Required to obtain or retain benefits. The statutory authority is contained in Sections 154(i), 303 and 308 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: Licenses and permittees of AM broadcast stations are required to file FCC Form 302–AM to obtain a new or modified station

license, and/or to notify the Commission of certain changes in the licensed facilities of these stations. Additionally, when changes are made to an AM station that alter the resistance of the antenna system, a licensee must initiate a determination of the operating power by the direct method. The results of this are reported to the Commission using the FCC 302–AM.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–08710 Filed 4–28–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0501 and 3060–0896]

Information Collections Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: 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; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before June 30, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0501.

Title: Section 73.1942 Candidates Rates; Section 76.206 Candidate Rates; Section 76.1611 Political Cable Rates and Classes of Time.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 17,561 respondents; 403,610 responses.

Estimated Time per Response: 0.5 hours to 20 hours.

Frequency of Response: Recordkeeping requirement; On occasion reporting requirement; Semi-annual requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 315 of the Communications Act of 1934, as amended.

Total Annual Burden: 927,269 hours.

Total Annual Cost: None.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: Section 315 of the Communications Act directs broadcast stations and cable operators to charge political candidates the ''lowest unit charge of the station'' for the same class and amount of time for the same period, during the 45 days preceding a primary or runoff election and the 60 days preceding a general or special election.

47 CFR 73.1942 requires broadcast licensees and 47 CFR 76.206 requires cable television systems to disclose any station practices offered to commercial advertisers that enhance the value of advertising spots and different classes of time (immediately preemptible, preemptible with notice, fixed, fire sale, and make good). These rule sections also require licensees and cable TV systems to calculate the lowest unit charge. Broadcast stations and cable systems are also required to review their advertising records throughout the election period to determine whether compliance with these rule sections require that candidates receive rebates or credits.

47 CFR 76.1611 requires cable systems to disclose to candidates information about rates, terms, conditions and all value-enhancing discount privileges offered to commercial advertisers.

OMB Approval Number: 3060–0896.

Title: Broadcast Auction Form Exhibits.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other-for profit entities, not-for-profit institutions, State, local or tribal government.

Number of Respondents and Responses: 2,000 respondents and 5,350 responses.

Estimated Hours per Response: 0.5 hours–2 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in Sections 154(i) and 309 of the Communications Act of 1934, as amended.

Annual Hour Burden: 6,663 hours.

Annual Cost Burden: $12,332,500.

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Privacy Impact Assessment(s): No impact(s).

Needs and Uses: The Commission's rules require that broadcast auction participants submit exhibits disclosing ownership, bidding agreements, bidding credit eligibility and engineering data. These data are used by Commission staff to ensure that applicants are qualified to participate in Commission auctions and to ensure that license winners are entitled to receive the new entrant bidding credit, if applicable. Exhibits regarding joint bidding agreements are designed to prevent collusion. Submission of engineering exhibits for non-table services enables the Commission to determine which applications are mutually exclusive.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Offer, Office of the Secretary.

[FR Doc. 2017–08711 Filed 4–28–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: *Thursday, April 27, 2017 at 10:00 a.m.*

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

FEDERAL REGISTER NOTICE OF PREVIOUS ANNOUNCEMENT—82 FR 18907.

CHANGE IN THE MEETING: The April 27, 2017 meeting was canceled.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2017–08811 Filed 4–27–17; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

[Docket No. AS17–04]

Appraisal Subcommittee Notice of Meeting

AGENCY: Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

ACTION: Notice of meeting.

Description: In accordance with Section 1104(b) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended, notice is hereby given that the Appraisal Subcommittee (ASC) will meet in open session for its regular meeting:

Location: Federal Reserve Board—International Square location, 1850 K Street NW., Washington, DC 20006.

Date: May 10, 2017.

Time: 10:00 a.m.

Status: Open.

Reports

Chairman
Executive Director
Delegated State Compliance Reviews
Financial Report

Action and Discussion Items

February 10, 2017 Open Session Minutes
2016 ASC Annual Report

How To Attend and Observe an ASC Meeting

If you plan to attend the ASC Meeting in person, we ask that you send an email to *meetings@asc.gov.* You may register until close of business four business days before the meeting date. You will be contacted by the Federal Reserve Law Enforcement Unit on security requirements. You will also be asked to provide a valid government-issued ID before being admitted to the Meeting. The meeting space is intended to accommodate public attendees. However, if the space will not accommodate all requests, the ASC may refuse attendance on that reasonable basis. The use of any video or audio tape recording device, photographing device, or any other electronic or mechanical device designed for similar purposes is prohibited at ASC meetings.

Dated: April 24, 2017.

James R. Park,

Executive Director.

[FR Doc. 2017–08709 Filed 4–28–17; 8:45 am]

BILLING CODE 6700–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the HOLA (12 U.S.C. 1467a(e)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 26, 2017.

A. *Federal Reserve Bank of Philadelphia* (William Spaniel, Senior Vice President), 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521. Comments can also be sent electronically to *Comments.applications@phil.frb.org:*

1. *Wallkill Valley Bancorp MHC,* Wallkill, New York; to become a federal mutual holding company and Wallkill Valley Bancorp, Inc., Wallkill, New York; to become a savings and loan holding company, by acquiring 100 percent of the voting shares of Wallkill Valley Federal Savings and Loan Association, Wallkill, NY.

2. *Wallkill Valley Bancorp MHC and Wallkill Valley Bancorp, Inc.,* both of Wallkill, New York; to acquire 100 percent of Hometown Bancorp MHC and Hometown Bancorp, Inc., both of Walden, New York, and thereby indirectly acquire 100 percent of Hometown Bank of the Hudson Valley, Walden, New York.

Board of Governors of the Federal Reserve System, April 26, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–08770 Filed 4–28–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act

(12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 30, 2017.

A. *Federal Reserve Bank of Boston* (Prabal Chakrabarti, Senior Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204. Comments can also be sent electronically to *BOS.SRC.Applications.Comments@bos.frb.org:*

1. *Kennebunk Savings Bancorp, MHC and Kennebunk Savings Bancorp, Inc.,* both of Kennebunk, Maine; to become a bank holding company and a mid-tier stock bank holding company, by acquiring 100 percent of the outstanding shares of Kennebunk Savings Bank, Kennebunk, Maine.

Board of Governors of the Federal Reserve System, April 26, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–08769 Filed 4–28–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0134; Docket 2017–0053; Sequence 4]

Information Collection; Environmentally Sound Products

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

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning environmentally sound products.

DATES: Submit comments on or before June 30, 2017.

ADDRESSES: Submit comments identified by Information Collection 9000–0134, Environmentally Sound Products, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0134. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0134, Environmentally Sound Products''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0134, Environmentally Sound Products'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Jo Ann Sosa/IC 9000–0134, Environmentally Sound Products.

Instructions: Please submit comments only and cite Information Collection 9000–0134, Environmentally Sound Products, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. Charles Gray, Procurement Analyst, Governmentwide Acquisition Policy, GSA, 703–795–6328 or *charles.gray@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

OMB clearance 9000–0134 supports the information collection requirement contained in 52.223–9, Estimate of Percentage of Recovered Material Content for EPA-designated Items. Section 6002 of the Resource Conservation and Recovery Act (RCRA), Public Law 94–580, (42 U.S.C. 6962), requires Federal agencies to develop affirmative procurement programs to ensure that items composed of recovered materials will be purchased to the maximum extent practicable. An agency's affirmative procurement program must include: (1) A recovered materials preference program and an agency promotion program for the preference program; (2) a program for requiring estimates of the total percentage of recovered materials used in the performance of a contract, certification of minimum recovered material content used, and where appropriate and reasonable, verification procedures for estimates and certifications; and (3) annual review and monitoring of the effectiveness of an agency's affirmative procurement program.

For items the Environmental Protection Agency (EPA) has designated as produced or that can be produced from recovered material, agencies are required to track the percentaage of recovered material content used during contract performance. This requirement applies whenever an acquisition sets forth minimum percentages of recovered materials; when the price of the item exceeds $10,000; or when the aggregate amount paid for the item or functionally equivalent items in the preceding fiscal year was $10,000 or more.

Pursuant to FAR clause 52.223–9, when the contract requires the delivery of or use of an EPA-designated item, contractors shall report the estimated percentage of total recovered material content delivered or used, at contract completion. The clause is included in solicitations and contracts exceeding $150,000, except for acquisitions of commercially-available, off-the-shelf (COTS) items.

B. Annual Reporting Burden

Respondents: 1,047.
Responses per Respondent: 1.5.
Annual Responses: 1,571.
Hours per Response: .50.
Total Burden Hours: 785.
Affected Public: Businesses or other for-profit and not for profit institutions.
Frequency: Annual.

C. Public Comments

Public Comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Federal Acquisition Regulation (FAR), and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technilogical collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755.

Please cite OMB control No. 9000–0134, Environmentally Sound Products, in all correspondence.

Dated: April 25, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Governmentwide Acquisition Policy, Office of Acquisition Policy, Office of Governmentwide Policy.

[FR Doc. 2017–08671 Filed 4–28–17; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0135; Docket 2016–0053; Sequence 40]

Submission for OMB Review; Prospective Subcontractor Requests for Bonds

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

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection concerning subcontractor requests for bonds. A notice was published in the **Federal Register** on December 21, 2016. No comments were received.

DATES: Submit comments on or before May 31, 2017.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0135. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0135, Prospective Subcontractor Requests for Bond.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0135, Prospective Subcontractor Requests for Bond'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405–0001. ATTN: Ms. Sosa/IC 9000–0135.

Instructions: Please submit comments only and cite Information Collection 9000–0135, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Cecelia L. Davis, Procurement Analyst, Acquisition Policy Division, at 202–219–0202 or email *cecelia.davis@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Part 28 of the Federal Acquisition Regulation (FAR) contains guidance related to insuring against damages under Federal contracts (*e.g.,* bonds, bid guarantees, etc.). Part 52 contains the corresponding provisions and clauses. These collectively implement the statutory requirement for Federal contractors to report payment bonds under construction contracts subject to 40 U.S.C. chapter 31, subchapter III, Bonds.

This information collection is mandated by Section 806 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Pub. L. 102–190), as amended by Section 2091 of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103–335). The clause at 52.228–12, Prospective Subcontractor Requests for Bonds, implements Section 806(a)(3) of Public Law 102–190, as amended, which states that, upon the request of a prospective subcontractor or supplier offering to furnish labor or material under a construction contract for which a payment bond has been furnished pursuant to 40 U.S.C. 31, the contractor shall promptly provide a copy of such payment bond to the requestor.

Given that payment bonds, in conjunction with performance bonds, are used to secure the contractor's obligations, thereby assuring that payments are made to subcontractors and vendors under the contract, the requester will use information on payment bonds to determine whether to engage in business with that prime contractor.

B. Annual Reporting Burden

Number of respondents: 4,444.
Responses per respondent: 2.5.
Total annual responses: 11,110.
Hours per response: .34.
Total burden hours: 3,777.
Frequency: On occasion.
Affected public: Construction prime contractors.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control Number 9000–0135, Prospective Subcontractor Requests for Bonds, in all correspondence.

Dated: April 25, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2017–08672 Filed 4–28–17; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0089; Docket No. 2017–0053; Sequence 3]

Information Collection; Request for Authorization of Additional Classification and Rate, Standard Form 1444

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

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement concerning Request for Authorization of Additional Classification and Rate, Standard Form (SF) 1444.

DATES: Submit comments on or before June 30, 2017.

ADDRESSES: Submit comments identified by Information Collection 9000–0089 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0089. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0089, Request for Authorization of Additional Classification and Rate, SF 1444.'' Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0089, Request for Authorization of Additional Classification and Rate, SF 1444'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Sosa/IC 9000–0089.

Instructions: Please submit comments only and cite Information Collection 9000–0089, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Zenaida Delgado, Procurement Analyst, Federal Acquisition Policy Division, GSA, 202–969–7207 or email *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Federal Acquisition Regulation (FAR) 22.406 prescribes labor standards for federally financed and assisted construction contracts subject to the Davis-Bacon and Related Acts (DBRA), as well as labor standards for non-construction contracts subject to the Contract Work Hours and Safety Standards Act (CWHSSA).

The recordkeeping requirements in this regulation, FAR 22.406, reflect the requirements cleared under OMB control numbers 1235–0023, 1235–0008, and 1235–0018 for 29 CFR 5.5(a)(1)(i), 5.5(c), and 5.15 (records to be kept by employers under the Fair Labor Standards Act (FLSA)). The regulation at 29 CFR 516 reflects the basic recordkeeping and reporting requirements for the laws administered by the Department of Labor Wage and Hour Division.

FAR 22.406–3, implements the recordkeeping and information collection requirements prescribed in 29 CFR 5.5(a)(1)(ii) cleared under OMB control number 1235–0023 (also prescribed at 48 CFR 22.406 under OMB control number 9000–0089), by providing SF 1444, Request for Authorization of Additional Classification and Rate, for the contractor and the Government to enter the recordkeeping and information collection data required by 29 CFR 5.5(a)(1)(ii) prior to transmitting the data to the Department of Labor.

This SF 1444 places no further burden on the contractor or the Government other than the information collection burdens already cleared by OMB for 29 CFR 5.

B. Annual Reporting Burden

Number of Respondents: 3,831.
Responses per Respondent: 2.
Total Annual Responses: 7,662.
Review time per response: 5.
Total Burden Hours: 3831.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requester may obtain a copy of the justification from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0089, Request for Authorization of Additional Classification and Rate, SF 1444, in all correspondence.

Dated: April 25, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2017–08670 Filed 4–28–17; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–17–17AW]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) has submitted 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 notice for the proposed information collection is published to obtain comments from the public and affected agencies.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address any of the following: (a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) Enhance the quality, utility, and clarity of the information to be collected; (d) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses; and (e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Written

comments and/or suggestions regarding the items contained in this notice should be directed to the Attention: CDC Desk Officer, Office of Management and Budget, Washington, DC 20503 or by fax to (202) 395–5806. Written comments should be received within 30 days of this notice.

Proposed Project

Assessment of Targeted Training and Technical Assistance (TTA) Efforts on the Implementation of Comprehensive Cancer Control—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention's (CDC) National Comprehensive Cancer Control Program (NCCCP) has been a primary funder for state and community-based cancer control interventions since its inception in the late 1990s. In addition, CDC's Office on Smoking and Health (OSH) also has worked to build state health department infrastructure and capacity to conduct coordinated comprehensive tobacco prevention and control activities which contribute to cancer health outcomes through the provision of funding to state health departments and local partners through the Nation State Based Tobacco Control Program (NSTB).

In striving to build capacity and maximize the impact of CDC's funded programs, CDC has focused on developing and implementing innovative programs to enhance the training and technical assistance (TTA) delivered to NCCCP and NSBT grantee programs. CDC funds 10 organizations under two cooperative agreements: The Consortium of National Networks to Impact Populations Experiencing Tobacco-Related and Cancer Health Disparities (DP13–1314), and National Support to Enhance Implementation of Comprehensive Cancer Control Activities (DP13–1315). Under these cooperative agreements, DP13–1314 and DP13–1315 awardees provide TTA to state NCCCP and NSBT grantees to support local implementation of high-impact public health strategies. Using two different TTA models, DP13–1314 and DP13–1315 aim to impact both short- and long-term outcomes on the awardee, NCCCP program, and population levels.

CDC proposes to conduct an assessment of the DP13–1314 and DP13–1315 cooperative agreements to: (1) Increase CDC's understanding of the TTA provided to NCCCP and NSTB grantees across both cooperative agreements, (2) help identify the extent to which core elements of the TTA were administered, and (3) determine the elements of TTA across both cooperative agreements that show promise for improving NCCCP and NSTB capacity. There are no other data collection efforts currently underway to assess implementation of the two TTA models or their perceived effectiveness.

This information collection request will involve three complementary data collection efforts: (1) Case studies of DP13–1314 and DP13–1315 awardees (consisting of interviews with DP13–1314 and DP13–1315 program managers/directors, evaluators, and partners); (2) a cross-sectional web-based survey administered to NCCCP and NSBT program directors, coalition members, and partners; and (3) in-depth interviews with selected NCCCP and NSBT program directors, staff, coalition members, and partners who received a high volume of TTA from one or more of the DP13–1314 and DP13–1315 awardees. The case studies will be used to explore how DP13–1314 and DP13–1315 awardees are implementing their respective cooperative agreements and administering TTA to NCCCP and NSBT grantees; the factors that affect the implementation of specific TTA components; and the extent to which each cooperative agreement was able to achieve planned short-term outcomes. The Web-based survey will inform CDC's understanding of the reach of DP13–1314 and DP13–1315 TTA efforts; elicit information from NCCCP and/or NSBT programs and coalitions about the TTA received, including type, dosage, frequency and format; and assess the perceptions of the effectiveness of the TTA provided in building capacity to achieve intended outcomes. The in-depth interviews with ''high-volume'' TTA users will facilitate an in-depth exploration of the type and quality of TTA activities received; perceived quality of TTA and its contributions to NCCCP and NSBT grantee program implementation, and achievement of CDC priorities and goals.

CDC will use findings from the assessment to inform development of future TTA efforts that utilize the core elements across the two models to more effectively and efficiently support NCCCP's partner organizations.

OMB approval is requested for 2 years. Participation is voluntary and respondents will not receive incentives for participation. There are no costs to respondents other than their time. The total estimated annualized burden hours are 231.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
DP13–1314 and DP13–1315 Awardee Organizations.	Worksheet for Identifying Case Study Interviewees.	5	1	1
DP13–1314 Program Directors/Managers	Case Study Interview Guide for DP13–1314 Program Directors/Managers.	4	1	1.5
	Case Study Follow-Up Interview Guide for DP13–1314 Program Directors/Managers.	4	1	1
DP13–1315 Directors/Managers	Case Study Interview Guide for DP1–1315 Program Directors/Managers.	1	1	1.5
	Case Study Follow-Up Interview Guide for DP1–1315 Program Directors/Managers.	1	1	1
DP13–1314 Evaluators	Case Study Interview Guide for DP1–1314 Evaluators.	4	1	1
DP13–1315 Evaluators	Case Study Interview Guide for DP1–1315 Evaluators.	1	1	1
DP13–1314 Partners	Case Study Interview Guide for DP1–1314 Partners.	8	1	1

ESTIMATED ANNUALIZED BURDEN HOURS—Continued

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
DP13–1315 Partners	Case Study Interview Guide for DP1–1315 Partners.	2	1	1
NCCCP and NSBT Program Directors, Staff, Coalition Members, and Partners.	Web-based survey	780	1	15/60
NCCCP and NSBT Program Directors, Staff, Coalition Members, and Partners.	In-Depth Interview Guide	5	1	0.5

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–08705 Filed 4–28–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–17–17ADR; Docket No. CDC–2017–0042]

Proposed Data Collections Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the Study to Explore Early Development, Teen Follow-Up Study (SEED Teen).

DATES: Written comments must be received on or before June 30, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0042 by any of the following methods:

- *Federal eRulemaking Portal: Regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket number. All relevant comments received will be posted without change to *Regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *Regulations.gov.*

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 6501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of the information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of the information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. Written comments should be received within 60 days of this notice.

Proposed Project

Study to Explore Early Development, Teen Follow-Up Study (SEED Teen)—New—National Center on Birth Defects and Developmental Disabilities (NCBDDD), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Autism spectrum disorder (ASD) is a neurodevelopmental disorder characterized by impairments in social interaction and communication and stereotyped behaviors and interests. The U.S. prevalence of ASD is estimated at 1% to 2%. In addition to the profound, lifelong impacts on individuals' functioning given the core deficits in social-communication abilities, a high proportion of children with ASD also have one or more other developmental impairments such as intellectual disability or attention-deficit-hyperactivity-disorder and children with ASDs have higher than expected

prevalences of health conditions such as obesity, asthma and respiratory disorders, eczema and skin allergies, migraine headaches, and gastrointestinal symptoms and disorders.

Historically, young children have been the focus of ASD research: Diagnosis and symptom detection at young ages, prenatal or early-life risk factors, and the effect of early intervention programs. Meanwhile, the number of children diagnosed with ASD each year has steadily increased and, as children age, the prevalence of adults diagnosed with ASD will likewise increase for several decades. Despite this ongoing demographic shift —which some have called ''the autism tsunami''—there has been relatively little research on ASD in adolescence and adulthood.

While there is research showing that the majority of ASD diagnoses made in early childhood are retained in adolescence with mostly stable in symptom severity, there are major gaps in our understanding of the health, functioning, and experiences of adolescents with ASD and other developmental disabilities. Many of these topics are especially relevant to public health: Adolescents and adults with ASD have been shown to have frequent health problems, high healthcare utilization and specialized service needs, high caregiving burden, require substantial supports to perform daily activities, are likely to be bullied, or isolated from society, and are likely to have food allergies or put on restrictive diets of questionable benefit. Many of these problems emerge after early childhood, and more studies are needed to estimate the frequency, severity, and predictive factors for these important outcomes in diverse cohorts of individuals with autism and other developmental conditions.

SEED Teen is a follow-up study of children who participated in the first phase of the SEED case-control study (SEED 1) in 2007–2011 when they were 2 to 5 years of age. SEED includes one of the largest cohorts of children assembled with ASD. Children will be identified from four SEED sites in Georgia, Maryland, North Carolina, and Pennsylvania. Three groups of children will be included: Children with ASD, children with other developmental (non-ASD) conditions (DD comparison group), and children from the general population who were initially sampled from birth records (POP comparison group).

The children and parents previously enrolled in SEED 1 represent a unique opportunity to better understand the long-term trajectory of children identified as having ASD at early ages. Mothers or other primary caregivers who participated in SEED 1 will be re-contacted when their child is 13–17 years of age and asked to complete two self-administered questionnaires (SEED Teen Health and Development Survey and the Social Responsiveness Scale) about their child's health, development, education, and current functioning. Information from this study will allow researchers to assess the long-term health and functioning of children with ASD and other developmental disabilities, family impacts associated with ASD and other DDs, and service needs and use associated with having and ASD and other DDs, particularly during the teen years.

We estimate that 1,410 SEED families are potentially eligible to participate in SEED Teen. Reading the letter and other materials in the invitation mailing will take approximately five minutes. We estimate that a minimum of 60% of parents/caregivers sent the invitation mailing or will be successfully contacted and participate in the invitation call (approximately 15 minutes). We estimate that 80% of the families who participate in the invitation call will meet the eligibility criteria for SEED Teen and 70% of those will enroll in SEED Teen. We assume all enrolled families will complete the follow-up call to confirm data collection packet receipt (approximately 10 minutes) and will review the materials in the data collection packet. Finally, we estimate that 90% of enrolled parents/caregivers will complete two self-administered questionnaires (SEED Teen Health and Development Survey and the Social Responsiveness Scale) and two supplemental consent forms. The two questionnaires will take approximately 60 minutes to complete, plus an additional 5 minutes to read and sign the informed consent. Therefore, we estimate the total burden hours are 911. There are no costs to participants other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number responses per respondent	Average burden per response (in hours)	Total burden hours
Eligible families who were enrolled in SEED 1	Invitation Packet	1,410	1	5/60	118
Eligible families who were enrolled in SEED 1	Invitation Call Script	846	1	15/60	212
Families who agreed to participate in SEED Teen	Follow-up Call Checklist	474	1	10/60	79
Families who agreed to participate in SEED Teen	Data Collection Packet	474	1	5/60	40
Families who agreed to participate in SEED Teen	SEED Teen Health and Development Survey.	427	1	40/60	284
Families who agreed to participate in SEED Teen	Social Responsiveness Scale	427	1	20/60	142
Families who agreed to participate in SEED Teen	Supplemental Consent Forms	427	1	5/60	36
Total					911

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2017–08706 Filed 4–28–17; 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

Title: Procedural Justice Informed Alternatives to Contempt (PJAC).

OMB No.: 0970—NEW.

Description

The Office of Child Support Enforcement (OCSE) within the Administration for Children and Families (ACF) is proposing data collection activity as part of the Procedural Justice Informed Alternatives to Contempt Demonstration (PJAC). In September 2016, OCSE issued grants to six child support agencies to provide alternative approaches to the contempt process with the goal of increasing parents' compliance with child support orders by building trust and confidence in the child support agency and its processes. PJAC is a five-year project (the first year of which is dedicated to planning) that will allow grantees to learn whether incorporating principles of procedural justice into child support business practices increases reliable child support payments. In addition to increasing reliable payments, the PJAC intervention aims to reduce arrears, minimize the need for continued enforcement actions and sanctions, and reduce the inefficient use of contempt proceedings.

The PJAC evaluation will yield information about the efficacy of applying procedural justice principles via a set of alternative services to the current contempt process. It will generate extensive knowledge regarding how PJAC programs operate, the effects the programs have, and whether their benefits exceed their costs. The information gathered will be critical to informing future policy decisions related to contempt.

The PJAC evaluation will include the following three interconnected components or ''studies'':

1. *Implementation Study.* The goal of the implementation study is to provide a detailed description of the PJAC programs—how they are implemented, their participants, the contexts in which they are operated, and their promising practices. The implementation study will also assess whether the PJAC interventions are implemented as intended (implementation fidelity) as well as how the treatment implemented differed from the status quo (treatment contrast). The detailed descriptions will assist in interpreting program impacts and identifying program features and conditions necessary for effective program replication or improvement. Key activities of the implementation study will include: (1) A Management Information System (MIS) for collection and analysis of program participation data to track participant engagement in PJAC activities; (2) semi-structured interviews with program staff and staff from selected community partner organizations; (3) semi-structured interviews with program participants to learn about their experiences in PJAC; and (4) a staff questionnaire to gather broader quantitative information on program implementation and staff experiences.

2. *Impact Study:* The goal of the impact study is to provide rigorous estimates of the effectiveness of the six programs using an experimental research design. Program applicants who are eligible for PJAC services will be randomly assigned to either a program group that is offered program services or to a control group that is not offered those services. The random assignment process will require child support program staff to complete a brief data entry protocol. The impact study will rely on administrative data from state and county child support systems, court records, criminal justice records, and data from the National Directory of New Hires. Administrative records data will be used to estimate impacts on child support payments, enforcement actions, contempt proceedings, jail stays, and employment and earnings. The impact study will also include a follow-up survey of participants that will be administered approximately 12 months after random assignment to a subset of the sample. The survey will gather information on participant experiences with the child support program and family court, family relationships, parenting and co-parenting, informal child support payments, and job characteristics. In an effort to enhance response rates, the PJAC survey firm will attempt to track survey sample members at a few points over the 12-month follow-up period in order to stay in touch with them and gather updated contact information from them.

3. *Benefit-Cost Study:* The benefit-cost study will estimate the costs and benefits associated with the implementation and impact of the PJAC interventions. The study will examine the costs and benefits from the perspective of the government, noncustodial parents, custodial parents and their children, and society. Once measured, particular impacts or expenditures will constitute benefits or costs, depending on which analytical perspective is considered. For each of the perspectives, pertinent benefits and costs will be added together to determine the net value of the program. Key hypothesized benefits and costs to be assessed include increased PJAC intervention costs, reduced costs for contempt actions, increased payments from non-custodial parents, reduced court costs, and reduced jail time, among others. The benefit-cost study will rely on the results of the impact study, analysis of participation data from the MIS, and results of a staff time study in order to quantify various PJAC-related costs and benefits.

This 60-Day Notice covers the following data collection activities: (1) Staff data entry for random assignment; (2) Study MIS to track program participation; (3) Staff and community partner interview topic guide; (4) Participant interview topic guide; and (5) Participant survey tracking letter.

Respondents

Respondents for the first information collection phase include study participants and grantee staff and community partners. Specific respondents per instrument are noted in the burden table below.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours	Total annual burden hours
Staff data entry for random assignment	120	150	0.05	900	300

ANNUAL BURDEN ESTIMATES—Continued

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours	Total annual burden hours
Study MIS to track program participation	120	150	1.00	18,000	6,000
Staff and community partner interview topic guide	150	2	1.00	300	100
Participant interview topic guide	180	1	1.00	180	60
Participant survey tracking letter	3,000	3	0.10	900	300

Estimated Total Annual Burden Hours: 6,760.

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 the 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. 2017–08740 Filed 4–28–17; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Notice To Propose the Re-Designation of the Service Delivery Area for the Tolowa Dee-ni' Nation, Formerly Known as Smith River Rancheria

AGENCY: Indian Health Service, HHS.

ACTION: Notice; extension of comment period.

SUMMARY: This document extends the comment period for the Tolowa Dee ni' redesignation of the Tribe's Service Delivery Area (SDA), which was published in the **Federal Register** on March 31, 2017. The comment period for the notice, which would have ended on May 1, 2017, is extended for 60 days.

DATES: The comment period for the proposed SDA expansion published in the March 31, 2017, **Federal Register** (82 FR 16051) is extended to June 30, 2017.

ADDRESSES: Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission. You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the ''Submit a Comment'' instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Evonne Bennett-Barnes, Indian Health Service, 5600 Fishers Lane, Mailstop: 09E70, Rockville, Maryland 20857.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the above address.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments before the close of the comment period to the address above.

If you intend to deliver your comments to the Rockville address, please call telephone number (301) 443–1116 in advance to schedule your arrival with a staff member.

Comments will be made available for public inspection at the Rockville address from 8:30 a.m. to 5:00 p.m., Monday–Friday, two weeks after publication of this notice.

SUPPLEMENTARY INFORMATION: *Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment.

FOR FURTHER INFORMATION CONTACT: Terri Schmidt, Acting Director, Office of Resource Access and Partnerships, Indian Health Service, 5600 Fishers Lane, Mailstop: 10E85C, Rockville, Maryland 20857. Telephone 301–443–2694 (This is not a toll free number).

Background: The IHS currently provides services under regulations codified at 42 CFR part 136, subparts A through C. Subpart C defines a Contract Health Service Delivery Area, now known as PRC Service Delivery Area, as the geographic area within which PRC will be made available by the IHS to members of an identified Indian community who reside in the Service Delivery Area. Potential eligibility for services alone, or residence in a PRC Service Delivery Area by a person who is within the scope of the Indian health program, as set forth in 42 CFR 136.12, does not create a legal entitlement to PRC. Services needed, but not available at an IHS/Tribal facility, are provided under the PRC program depending on the availability of funds, the person's relative medical priority, and the actual availability and accessibility of alternate resources in accordance with the regulations.

As applicable to the Tribes, these regulations provide that, unless otherwise designated, a PRC Service Delivery Area shall consist of a county which includes all or part of a reservation and any county or counties which have a common boundary with the reservation, 42 CFR 136.22(a)(6) (2016). The regulations also provide that after consultation with the Tribal governing body or bodies on those reservations included within the PRC Service Delivery Area, the Secretary may from time to time, re-designate areas within the United States for inclusion in or exclusion from a PRC Service Delivery Area. The regulations require that certain criteria must be considered before any re-designation is made. The criteria are as follows:

(1) The number of Indians residing in the area proposed to be so included or excluded;

(2) Whether the Tribal governing body has determined that Indians residing in the area near the reservation are socially and economically affiliated with the Tribes;

(3) The geographic proximity to the reservation of the area whose inclusion or exclusion is being considered; and

(4) The level of funding which would be available for the provision of PRC.

Additionally, the regulations require that any re-designation of a PRC Service Delivery Area must be made in accordance with the Administrative Procedures Act (5 U.S.C. 553). In compliance with this requirement, we are publishing this proposal and requesting public comments.

Congress designated the entire state of California as a PRC Service Delivery Area, excluding certain counties, under section 810 of the Indian Healthcare Improvement Act, Public Law 94–437, as amended (25 U.S.C. 1680). IHS has utilized the congressionally established PRC Service Delivery Area for the purposes of administering PRC benefits to members of the Tribe. Thus, members of the Tribe who reside outside of the statutorily established California PRC Service Delivery Area do not reside within the Tolowa Dee-ni's current PRC Service Delivery Area and are currently not eligible for PRC services.

IHS has historically established PRC Service Delivery Areas in accordance with Congressional intent but has preserved regulatory flexibility to re-designate areas as appropriate for inclusion in or exclusion from PRC service delivery under PRC regulations. One of the criteria for such re-designations is the geographic proximity of the expanded area to the existing reservation or service delivery area. Here, IHS proposes to expand the Tribe's PRC Service Delivery Area beyond the geographic description in 25 U.S.C. 1680 to include a county adjacent to the Tribe's existing PRC Service Delivery Area, in a neighboring state. There are already PRC Service Delivery Areas that include part of the state of California and part of another state, for example, Cocopah Tribe of Arizona, (Yuma, Arizona, and Imperial, California); Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California, (La Paz, Arizona; Riverside, California; San Bernardino, California; and Yuma, Arizona); Fort Mojave Indian Tribe of Arizona, California and Nevada, (Nevada; Mohave, Arizona; San Bernardino, California); and the Quechan Tribe of Fort Yuma Indian Reservation, California and Arizona, (Yuma, Arizona; and Imperial, California).

The Tolowa Dee-ni' Nation has a significant number of members who are not residents of California. According to the Tribe's estimates, 177 enrolled Tolowa Dee-ni' members are non-residents who remain actively involved with the Tribe, and reside in Curry County in the State of Oregon and are not currently eligible for PRC care.

Under 42 CFR 136.23, those otherwise eligible Indians who do not reside on a reservation, but reside within a PRC Service Delivery Area must be either members of the Tribe or other IHS beneficiaries who maintain close economic and social ties with the Tribe. In this case, in applying the aforementioned PRC Service Delivery Area re-designation criteria required by operative regulations codified at 42 CFR part 136, subpart C, the following findings are made:

1. By expanding, the Tribe estimates the current eligible population will be increased by 177.

2. The Tribe has determined that these 177 individuals are members of the Tribe and they are socially and economically affiliated with the Tribe.

3. The expanded area including Curry County in the State of Oregon maintains a common boundary with the State of California and the statutorily created California PRC Service Delivery Area.

4. Generally, the Tribal members located in Curry County in the State of Oregon currently do not use the Indian health system for their PRC health care needs. The Tribe will use its existing Federal allocation for PRC funds to provide services to the expanded population. No additional financial resources will be allocated by IHS to the Tribe to provide services to Tribal members residing in Curry County in the State of Oregon.

PURCHASED/REFERRED CARE SERVICE DELIVERY AREAS

Tribe/reservation	County/state
Ak Chin Indian Community	Pinal, AZ.
Alabama-Coushatta Tribes of Texas	Polk, TX.[1]
Alaska	Entire State.[2]
Arapahoe Tribe of the Wind River Reservation, Wyoming	Hot Springs, WY, Fremont, WY, Sublette, WY.
Aroostook Band of Micmacs	Aroostook, ME.[3]
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana.	Daniels, MT, McCone, MT, Richland, MT, Roosevelt, MT, Sheridan, MT, Valley, MT.
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin.	Ashland, WI, Iron, WI.
Bay Mills Indian Community, Michigan	Chippewa, MI.
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana	Glacier, MT, Pondera, MT.
Brigham City Intermountain School Health Center, Utah	([4]).
Burns Paiute Tribe	Harney, OR.
California	Entire State, except for the counties listed in the footnote.[5]
Catawba Indian Nation	All Counties in SC,[6] Cabarrus, NC, Cleveland, NC, Gaston, NC, Mecklenburg, NC, Rutherford, NC, Union, NC.
Cayuga Nation	Alleghany, NY,[7] Cattaraugus, NY, Chautauqua, NY, Erie, NY, Warren, PA.
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota.	Corson, SD, Dewey, SD, Haakon, SD, Meade, SD, Perkins, SD, Potter, SD, Stanley, SD, Sully, SD, Walworth, SD, Ziebach, SD.
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana	Chouteau, MT, Hill, MT, Liberty, MT.
Chitimacha Tribe of Louisiana	St. Mary Parish, LA.
Cocopah Tribe of Arizona	Yuma, AZ, Imperial, CA.
Coeur D'Alene Tribe	Benewah, ID, Kootenai, ID, Latah, ID, Spokane, WA, Whitman, WA.
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California.	La Paz, AZ, Riverside, CA, San Bernardino, CA, Yuma, AZ.
Confederated Salish and Kootenai Tribes of the Flathead Reservation	Flathead, MT, Lake, MT, Missoula, MT, Sanders, MT.

PURCHASED/REFERRED CARE SERVICE DELIVERY AREAS—Continued

Tribe/reservation	County/state
Confederated Tribes and Bands of the Yakama Nation	Klickitat, WA, Lewis, WA, Skamania, WA,[8] Yakima, WA.
Confederated Tribes of Siletz Indians of Oregon	Benton, OR,[9] Clackamas, OR, Lane, OR, Lincoln, OR, Linn, OR, Marion, OR, Multnomah, OR, Polk, OR, Tillamook, OR, Washington, OR, Yam Hill, OR.
Confederated Tribes of the Chehalis Reservation	Grays Harbor, WA, Lewis, WA, Thurston, WA.
Confederated Tribes of the Colville Reservation	Chelan, WA,[10] Douglas, WA, Ferry, WA, Grant, WA, Lincoln, WA, Okanogan, WA, Stevens, WA.
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians	Coos, OR,[11] Curry, OR, Douglas, OR, Lane, OR, Lincoln, OR.
Confederated Tribes of the Goshute Reservation, Nevada and Utah	Nevada, Juab, UT, Toole, UT.
Confederated Tribes of the Grand Ronde Community of Oregon	Marion, OR, Multnomah, OR, Polk, OR,[12] Tillamook, OR, Washington, OR, Yam Hill, OR.
Confederated Tribes of the Umatilla Indian Reservation	Umatilla, OR, Union, OR.
Confederated Tribes of the Warm Springs Reservation of Oregon	Clackamas, OR, Jefferson, OR, Linn, OR, Marion, OR, Wasco, OR.
Coquille Indian Tribe	Coos, OR, Curry, OR, Douglas, OR, Jackson, OR, Lane, OR.
Coushatta Tribe of Louisiana	Allen Parish, LA, Elton, LA.[13]
Cow Creek Band of Umpqua Tribe of Indians	Coos, OR,[14] Deshutes, OR, Douglas, OR, Jackson, OR, Josephine, OR, Klamath, OR, Lane, OR.
Cowlitz Indian Tribe	Columbia, OR,[15] Clark, WA, Cowlitz, WA, King, WA, Lewis, WA, Peirce, WA, Skamania, WA, Thurston, WA, Kittitas, WA, Wahkiakum, WA.
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota	Brule, SD, Buffalo, SD, Hand, SD, Hughes, SD, Hyde, SD, Lyman, SD, Stanley, SD.
Crow Tribe of Montana	Big Horn, MT, Carbon, MT, Treasure, MT,[16] Yellowstone, MT, Big Horn, WY, Sheridan, WY.
Eastern Band of Cherokee Indians	Cherokee, NC, Graham, NC, Haywood, NC, Jackson, NC, Swain, NC.
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming	Fremont, WY, Hot Springs, WY, Sublette, WY.
Flandreau Santee Sioux Tribe of South Dakota	Moody, SD.
Forest County Potawatomi Community, Wisconsin	Forest, WI, Marinette, WI, Oconto, WI.
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana.	Blaine, MT, Phillips, MT.
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon.	Nevada, Malheur, OR.
For McDowell Yavapai Nation, Arizona	Maricopa, AZ.
Fort Mojave Indian Tribe of Arizona, California and Nevada	Nevada, Mohave, AZ, San Bernardino, CA.
Gila River Indian Community of the Gila River Indian Reservation, Arizona.	Maricopa, AZ, Pinal, AZ.
Grand Traverse Band of Ottawa and Chippewa Indians, Michigan	Antrim, MI,[17] Benzie, MI, Charlevoix, MI, Grand Traverse, MI, Leelanau, MI, Manistee, MI.
Hannahville Indian Community, Michigan	Delta, MI, Menominee, MI.
Haskell Indian Health Center	Douglas, KS.[18]
Havasupai Tribe of the Havasupai Reservation, Arizona	Coconino, AZ.
Ho-Chunk Nation of Wisconsin	Adams, WI,[19] Clark, WI, Columbia, WI, Crawford, WI, Dane, WI, Eau Clarrie, WI, Houston, MN, Jackson, WI, Juneau, WI, La Crosse, WI, Marathon, WI, Monroe, WI, Sauk, WI, Shawano, WI, Vernon, WI, Wood, WI.
Hoh Indian Tribe	Jefferson, WA.
Hopi Tribe of Arizona	Apache, AZ, Coconino, AZ, Navajo, AZ.
Houlton Band of Maliseet Indians	Aroostook, ME.[20]
Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona	Coconino, AZ, Mohave, AZ, Yavapai, AZ.
Iowa Tribe of Kansas and Nebraska	Brown, KS, Doniphan, KS, Richardson, NE.
Jamestown S'Klallam Tribe	Clallam, WA, Jefferson, WA.
Jena Band of Choctaw Indians	Grand Parish, LA,[21] LaSalle Parish, LA, Rapides, LA.
Jicarilla Apache Nation, New Mexico	Archuleta, CO, Rio Arriba, NM, Sandoval, NM.
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona.	Coconino, AZ, Mohave, AZ, Kane, UT.
Kalispel Indian Community of the Kalispel Reservation	Pend Oreille, WA, Spokane, WA.
Kewa Pueblo, New Mexico	Sandoval, NM, Santa Fe, NM.
Keweenaw Bay Indian Community, Michigan	Baraga, MI, Houghton, MI, Ontonagon, MI.
Kickapoo Traditional Tribe of Texas	Maverick, TX.[22]
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas	Brown, KS, Jackson, KS.
Klamath Tribes	Klamath, OR.[23]
Koi Nation of Northern California (formerly known as Lower Lake Rancheria, California).	Lake, CA, Sonoma, CA.[24]
Kootenai Tribe of Idaho	Boundary, ID.
Lac Courte Oreilles Band of Superior Chippewa Indians of Wisconsin	Sawyer, WI.
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation Wisconsin.	Iron, WI, Oneida, WI, Vilas, WI.
Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan	Gogebic, MI.
Little River Band of Ottawa Indians, Michigan	Kent, MI,[25] Lake, MI, Manistee, MI, Mason, MI, Muskegon, MI, Newaygo, MI, Oceana, MI, Ottawa, MI, Wexford, MI.

PURCHASED/REFERRED CARE SERVICE DELIVERY AREAS—Continued

Tribe/reservation	County/state
Little Traverse Bay Bands of Odawa Indians, Michigan	Alcona, MI,[26] Alger, MI, Alpena, MI, Antrim, MI, Benzie, MI, Charlevoix, MI, Cheboygan, MI, Chippewa, MI, Crawford, MI, Delta, MI, Emmet, MI, Grand Traverse, MI, Iosco, MI, Kalkaska, MI, Leelanau, MI, Luce, MI, Mackinac, MI, Manistee, MI, Missaukee, MI, Montmorency, MI, Ogemaw, MI, Oscoda, MI, Otsego, MI, Presque Isle, MI, Schoolcraft, MI, Roscommon, MI, Wexford, MI.
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota	Brule, SD, Buffalo, SD, Hughes, SD, Lyman, SD, Stanley, SD.
Lower Elwha Tribal Community	Clallam, WA.
Lower Sioux Indian Community in the State of Minnesota	Redwood, MN, Renville, MN.
Lummi Tribe of the Lummi Reservation	Whatcom, WA.
Makah Indian Tribe of the Makah Indian Reservation	Clallam, WA.
Mashantucket Pequot Indian Tribe	New London, CT.[27]
Mashpee Wampanoag Tribe	Barnstable, MA, Bristol, MA, Norfolk, MA, Plymouth, MA, Suffolk, MA.[28]
Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan	Allegan, MI,[29] Barry, MI, Kalamazoo, MI, Kent, MI, Ottawa, MI.
Menominee Indian Tribe of Wisconsin	Langlade, WI, Menominee, WI, Oconto, WI, Shawano, WI.
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico	Chaves, NM, Lincoln, NM, Otero, NM.
Miccosukee Tribe of Indians	Broward, FL, Collier, FL, Miami-Dade, FL, Hendry, FL.
Minnesota Chippewa Tribe, Minnesota, Bois Forte Band (Nett Lake)	Itasca, MN, Koochiching, MN, St. Louis, MN.
Minnesota Chippewa Tribe, Minnesota, Fond du Lac Band	Carlton, MN, St. Louis, MN.
Minnesota Chippewa Tribe, Minnesota, Grand Portage Band	Cook, MN.
Minnesota Chippewa Tribe, Minnesota, Leech Lake Band	Beltrami, MN, Cass, MN, Hubbard, MN, Itasca, MN.
Minnesota Chippewa Tribe, Minnesota Mille Lacs Band	Aitkin, MN, Kanebec, MN, Mille Lacs, MN, Pine, MN.
Minnesota Chippewa Tribe, Minnesota White Earth Band	Becker, MN, Clearwater, MN, Mahnomen, MN, Norman, MN, Polk, MN.
Mississippi Band of Choctaw Indians	Attala, MS, Jasper, MS,[30] Jones, MS, Kemper, MS, Leake, MS, Neshoba, MS, Newton, MS, Noxubee, MS,[31] Scott, MS,[32] Winston, MS.
Mohegan Tribe of Indians of Connecticut	Fairfield, CT, Hartford, CT, Litchfield, CT, Middlesex, CT, New Haven, CT, New London, CT, Tolland, CT, Windham, CT.
Muckleshoot Indian Tribe	King, WA, Pierce, WA.
Narragansett Indian Tribe	Washington, RI.[33]
Navajo Nation, Arizona, New Mexico, & Utah	Apache, AZ, Bernalillo, NM, Cibola, NM, Coconino, AZ, Kane, UT, McKinley, NM, Montezuma, CO, Navajo, AZ, Rio Arriba, NM, Sandoval, NM, San Juan, NM, San Juan, UT, Socorro, NM, Valencia, NM.
Nevada	Entire State.[34]
Nez Perce Tribe	Clearwater, ID, Idaho, ID, Latah, ID, Lewis, ID, Nez Perce, ID.
Nisqually Indian Tribe	Pierce, WA, Thurston, WA.
Nooksack Indian Tribe	Whatcom, WA.
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana.	Big Horn, MT, Carter, MT,[35] Rosebud, MT.
Northwestern Band of Shoshone Nation	Box Elder, UT.[36]
Nottawaseppi Huron Band of the Pottawatomi, Michigan	Allegan, MI,[37] Barry, MI, Branch, MI, Calhoun, MI, Kalamazoo, MI, Kent, MI, Ottawa, MI.
Oglala Sioux Tribe	Bennett, SD, Cherry, NE, Custer, SD, Dawes, NE, Fall River, SD, Jackson, SD,[38] Mellete, SD, Pennington, SD, Shannon, SD, Sheridan, NE, Todd, SD.
Ohkay Owingeh, New Mexico	Rio Arriba, NM.
Oklahoma	Entire State.[39]
Omaha Tribe of Nebraska	Burt, NE, Cuming, NE, Monona, IA, Thurston, NE, Wayne, NE.
Oneida Nation	Brown, WI, Outagamie, WI.
Oneida Nation of New York	Chenango, NY, Cortland, NY, Herkimer, NY, Madison, NY, Oneida, NY, Onondaga, NY.
Onondaga Nation	Onondaga, NY.
Paiute Indian Tribe of Utah	Iron, UT,[40] Millard, UT, Sevier, UT, Washington, UT.
Pascua Yaqui Tribe of Arizona	Pima, AZ.[41]
Passamaquoddy Tribe	Aroostook, ME,[42] [43] Hancock, ME,[44] Washington, ME.
Penobscot Nation	Aroostook, ME,[45] Penobscot, ME.
Poarch Band of Creeks	Baldwin, AL,[46] Elmore, AL, Escambia, AL, Mobile, AL, Monroe, AL, Escambia, FL.
Pokagon Band of Pottawatomi Indians, Michigan and Indiana	Allegan, MI,[47] Berrien, MI, Cass, MI, Elkhart, IN, Kosciusko, IN, La Porte, IN, Marshall, IN, St. Joseph, IN, Starke, IN, Van Buren, MI.
Ponca Tribe of Nebraska	Boyd, NE,[48] Burt, NE, Charles Mix, SD, Douglas, NE, Hall, NE, Holt, NE, Knox, NE, Lancaster, NE, Madison, NE, Platte, NE, Pottawatomie, IA, Sarpy, NE, Stanton, NE, Wayne, NE, Woodbury, IA.
Port Gamble S'Klallam Tribe	Kitsap, WA.
Prairie Band of Pottawatomi Nation	Jackson, KS.
Prairie Island Indian Community in the State of Minnesota	Goodhue, MN.
Pueblo of Acoma, New Mexico	Cibola, NM.
Pueblo of Cochiti, New Mexico	Sandoval, NM, Santa Fe, NM.
Pueblo of Isleta, New Mexico	Bernalillo, NM, Torrance, NM, Valencia, NM.

PURCHASED/REFERRED CARE SERVICE DELIVERY AREAS—Continued

Tribe/reservation	County/state
Pueblo of Jemez, New Mexico	Sandoval, NM.
Pueblo of Laguna, New Mexico	Bernalillo, NM, Cibola, NM, Sandoval, NM, Valencia, NM.
Pueblo of Nambe, New Mexico	Santa Fe, NM.
Pueblo of Picuris, New Mexico	Taos, NM.
Pueblo of Pojoaque, New Mexico	Rio Arriba, NM, Santa Fe, NM.
Pueblo of San Felipe, New Mexico	Sandoval, NM.
Pueblo of San Ildefonso, New Mexico	Los Alamos, NM, Rio Arriba, NM, Sandoval, NM, Santa Fe, NM.
Pueblo of Sandia, New Mexico	Bernalillo, NM, Sandoval, NM.
Pueblo of Santa Ana, New Mexico	Sandoval, NM.
Pueblo of Santa Clara, New Mexico	Los Alamos, NM, Sandoval, NM, Santa Fe, NM.
Pueblo of Taos, New Mexico	Colfax, NM, Taos, NM.
Pueblo of Tesuque, Mexico	Sana Fe, NM.
Pueblo of Zia, New Mexico	Sandoval, NM.
Puyallup Tribe of the Puyallup Reservation	King, WA, Pierce, WA, Thurston, WA.
Quechan Tribe of the Fort Yuma Indian Reservation, Arizona and California.	Yuma, AZ, Imperial, CA.
Quileute Tribe of the Quileute Reservation	Clallam, WA, Jefferson, WA.
Quinault Indian Nation	Grays Harbor, WA, Jefferson, WA.
Rapid City, South Dakota	Pennington, SD.[49]
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin	Bayfield, WI.
Red Lake Band of Chippewa Indians, Minnesota	Beltrami, MN, Clearwater, MN, Koochiching, MN, Lake of the Woods, MN, Marshall, MN, Pennington, MN, Polk, MN, Roseau, MN.
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota	Bennett, SD, Cherry, NE, Gregory, SD, Lyman, SD, Mellette, SD, Todd, SD, Tripp, SD.
Sac & Fox Nation of Missouri in Kansas and Nebraska	Brown, KS, Richardson, NE.
Sac & Fox Tribe of the Mississippi in Iowa	Tama, IA.
Saginaw Chippewa Indian Tribe of Michigan	Arenac, MI,[50] Clare, MI, Isabella, MI, Midland, MI, Missaukee, MI.
Saint Regis Mohawk Tribe	Franklin, NY, St. Lawrence, NY.
Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona.	Maricopa, AZ.
Samish Indian Nation	Clallam, WA,[51] Island, WA, Jefferson, WA, King, WA, Kitsap, WA, Pierce, WA, San Juan, WA, Skagit, WA, Snohomish, WA, Whatcom, WA.
San Carlos Apache Tribe of the San Carlos Reservation, Arizona	Apache, AZ, Cochise, AZ, Gila, AZ, Graham, AZ, Greenlee, AZ, Pinal, AZ.
San Juan Southern Paiute Tribe of Arizona	Coconino, AZ, San Juan, UT.
Santee Sioux Nation, Nebraska	Bon Homme, SD, Knox, NE.
Sauk-Suiattle Indian Tribe	Snohomish, WA, Skagit, WA.
Sault Ste. Marie Tribe of Chippewa Indians, Michigan	Alger, MI,[52] Chippewa, MI, Delta, MI, Luce, MI, Mackinac, MI, Marquette, MI, Schoolcraft, MI.
Seminole Tribe of Florida	Broward, FL, Collier, FL, Miami-Dade, FL, Glades, FL, Hendry, FL.
Seneca Nation of Indians	Alleghany, NY, Cattaraugus, NY, Chautauqua, NY, Erie, NY, Warren, PA.
Shakopee Mdewakanton Sioux Community of Minnesota	Scott, MN.
Shinnecock Indian Nation	Nassau, NY,[53] Suffolk, NY.
Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation	Pacific, WA.
Shoshone-Bannock Tribes of the Fort Hall Reservation	Bannock, ID, Bingham, ID, Caribou, ID, Lemhi, ID,[54] Power, ID.
Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada	Nevada, Owyhee, ID.
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota.	Codington, SD, Day, SD, Grant, SD, Marshall, SD, Richland, ND, Roberts, SD, Sargent, ND, Traverse, MN.
Skokomish Indian Tribe	Mason, WA.
Skull Valley Band of Goshute Indians of Utah	Tooele, UT.
Snoqualmie Indian Tribe	Island, WA, King, WA,[55] Mason, WA, Pierce, WA, Snohomish, WA.
Sokaogon Chippewa Community, Wisconsin	Forest, WI.
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado	Archuleta, CO, La Plata, CO, Montezuma, CO, Rio Arriba, NM, San Juan, NM.
Spirit Lake Tribe, North Dakota	Benson, ND, Eddy, ND, Nelson, ND, Ramsey, ND.
Spokane Tribe of the Spokane Reservation	Ferry, WA, Lincoln, WA, Stevens, WA.
Squaxin Island Tribe of the Squaxin Island Reservation	Mason, WA.
St. Croix Chippewa Indians of Wisconsin	Barron, WI, Burnett, WI, Pine, MN, Polk, WI, Washburn, WI.
Standing Rock Sioux Tribe of North & South Dakota	Adams, ND, Campbell, SD, Corson, SD, Dewey, SD, Emmons, ND, Grant, ND, Morton, ND, Perkins, SD, Sioux, ND, Walworth, SD, Ziebach, SD.
Stillaguamish Tribe of Indians of Washington	Snohomish, WA.
Stockbridge Munsee Community, Wisconsin	Menominee, WI, Shawano, WI.
Suquamish Indian Tribe of the Port Madison Reservation	Kitsap, WA.
Swinomish Indian Tribal Community	Skagit, WA.
Tejon Indian Tribe	Kern, CA.[56]
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota	Dunn, ND, Mercer, ND, McKenzie, ND, McLean, ND, Mountrail, ND, Ward, ND.
Tohono O'odham Nation of Arizona	Maricopa, AZ, Pima, AZ, Pinal, AZ.
Tolowa Dee-ni' Nation (Smith River Rancheria)	Del Norte, CA, Curry, OR.[57]

PURCHASED/REFERRED CARE SERVICE DELIVERY AREAS—Continued

Tribe/reservation	County/state
Tonawanda Band of Seneca	Genesee, NY, Erie, NY, Niagara, NY.
Tonto Apache Tribe of Arizona	Gila, AZ.
Trenton Service Unit, North Dakota and Montana	Divide, ND,[58] McKenzie, ND, Williams, ND, Richland, MT, Roosevelt, MT, Sheridan, MT.
Tulalip Tribes of Washington	Snohomish, WA.
Tunica-Biloxi Indian Tribe	Avoyelles, LA, Rapides, LA.[59]
Turtle Mountain Band of Chippewa Indians of North Dakota	Rolette, ND.
Tuscarora Nation	Niagara, NY.
Upper Sioux Community, Minnesota	Chippewa, MN, Yellow Medicine, MN.
Upper Skagit Indian Tribe	Skagit, WA.
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah	Carbon, UT, Daggett, UT, Duchesne, UT, Emery, UT, Grand, UT, Rio Blanco, CO, Summit, UT, Uintah, UT, Utah, UT, Wasatch, UT.
Ute Mountain Ute Tribe	Apache, AZ, La Plata, CO, Montezuma, CO, San Juan, NM, San Juan, UT.
Wampanoag Tribe of Gay Head (Aquinnah)	Dukes, MA,[60] Barnstable, MA, Bristol, MA, Norfolk, MA, Plymouth, MA, Suffolk, MA.[61]
Washoe Tribe of Nevada & California	Nevada, California except for the counties listed in footnote.
White Mountain Apache Tribe of the Fort Apache Reservation, Arizona	Apache, AZ, Coconino, AZ, Gila, AZ, Graham, AZ, Greenlee, AZ, Navajo, AZ.
Wilton Rancheria, California	Sacramento, CA.[62]
Winnebago Tribe of Nebraska	Dakota, NE, Dixon, NE, Monona, IA, Thurston, NE, Wayne, NE, Woodbury, IA.
Yankton Sioux Tribe of South Dakota	Bon Homme, SD, Boyd, NE, Charles Mix, SD, Douglas, SD, Gregory, SD, Hutchinson, SD, Knox, NE.
Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona.	Yavapai, AZ.
Yavapai-Prescott Indian Tribe	Yavapai, AZ.
Ysleta Del Sur Pueblo of Texas	El Paso, TX.[63]
Zuni Tribe of the Zuni Reservation, New Mexico	Apache, AZ, Cibola, NM, McKinley, NM, Valencia, NM.

[1] Public Law 100–89, Restoration Act for Ysleta Del Sur and Alabama and Coushatta Tribes of Texas establishes service areas for ''members of the Tribe'' by sections 101(3) and 105(a) for the Pueblo and sections 201(3) and 206(a) respectively.

[2] Entire State of Alaska is included as a CHSDA by regulation (42 CFR 136.22(a)(1)).

[3] Aroostook Band of Micmacs was recognized by Congress on November 26, 1991, through the Aroostook Band of Micmac Settlement Act. Aroostook County, ME, was defined as the SDA.

[4] Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility rather than the eligibility regulations. Historically services have been provided at Brigham City Intermountain School Health Center, Utah (Public Law 88–358).

[5] Entire State of California, excluding the counties of Alameda, Contra Costa, Los Angeles, Marin, Orange, Sacramento, San Francisco, San Mateo, Santa Clara, Kern, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Cruz, Solano, Stanislaus, and Ventura, is designated a CHSDA (25 U.S.C. 1680).

[6] The counties were recognized after the January 1984 CHSDA FRN was published, in accordance with Public Law 103–116, Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, dated October 27, 1993.

[7] There is no reservation for the Cayuga Nation; the service delivery area consists of those counties identified by the Cayuga Nation.

[8] Skamania County, WA, has historically been a part of the Yakama Service Unit population since 1979.

[9] In order to carry out the Congressional intent of the Siletz Restoration Act, Public Law 95–195, as expressed in H. Report No. 95–623, at page 4, members of the Confederated Tribes of Siletz Indians of Oregon residing in these counties are eligible for contract health services.

[10] Chelan County, WA, has historically been a part of the Colville Service Unit population since 1970.

[11] Pursuant to Public Law 98–481 (H. Rept. No. 98–904), Coos, Lower Umpqua and Siuslaw Restoration Act, members of the Tribe residing in these counties were specified as eligible for Federal services and benefits without regard to the existence of a Federal Indian reservation

[12] The Confederated Tribes of Grand Ronde Community of Oregon were recognized by Public Law 98–165 which was signed into law on November 22, 1983, and provides for eligibility in these six counties without regard to the existence of a reservation.

[13] The CHSDA for the Coushatta Tribe of Louisiana was expanded administratively by the Director, IHS, through regulation (42 CFR 136.22(6)) to include city limits of Elton, LA.

[14] Cow Creek Band of Umpqua Tribe of Indians recognized by Public Law 97–391, signed into law on December 29, 1983. House Rept. No. 97–862 designates Douglas, Jackson, and Josephine Counties as a service area without regard to the existence of a reservation. The IHS later administratively expanded the CHSDA to include the counties of Coos, OR, Deshutes, OR, Klamath, OR, and Lane, OR.

[15] The Cowlitz Indian Tribe was recognized in July 2002 as documented at 67 FR 46329, July 12, 2002. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638. The CHSDA was administratively expanded to include Columbia County, OR, Kittitas, WA, and Wahkiakum County, WA, as published at 67884 FR December 21, 2009.

[16] Treasure County, MT, has historically been a part of the Crow Service Unit population.

[17] The counties listed have historically been a part of the Grand Traverse Service Unit population since 1980.

[18] Haskell Indian Health Center has historically been a part of Kansas Service Unit since 1979. Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility rather than the eligibility regulations. Historically services have been provided at Haskell Indian Health Center (H. Rept. No. 95–392).

[19] CHSDA counties for the Ho-Chunk Nation of Wisconsin were designated by regulation (42 CFR 136.22(a)(5)). Dane County, WI, was added to the reservation by the Bureau of Indian Affairs in 1986.

[20] Public Law 97–428 provides that any member of the Houlton Band of Maliseet Indians in or around the Town of Houlton shall be eligible without regard to existence of a reservation.

[21] The Jena Band of Choctaw Indian was Federally acknowledged as documented at 60 FR 28480, May 31, 1995. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[22] Kickapoo Traditional Tribe of Texas, formerly known as the Texas Band of Kickapoo, was recognized by Public Law 97–429, signed into law on January 8, 1983. The Act provides for eligibility for Kickapoo Tribal members residing in Maverick County without regard to the existence of a reservation.

[23] The Klamath Indian Tribe Restoration Act (Pub. L. 99–398, Sec. 2(2)) states that for the purpose of Federal services and benefits ''members of the tribe residing in Klamath County shall be deemed to be residing in or near a reservation''.

[24] The Koi Nation of Northern California, formerly known as the Lower Lake Rancheria, was reaffirmed by the Secretary of the Bureau of Indian Affairs on December 29, 2000. The counties listed were designated administratively as the SDA, to function as a PRC SDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

[25] The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act recognized the Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians. Pursuant to Public Law 103–324, Sec. 4(b) the counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[26] The Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians Act recognized the Little River Band of Ottawa Indians and the Little Traverse Bay Bands of Odawa Indians. Pursuant to Public Law 103–324, Sec. 4(b) the counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[27] Mashantucket Pequot Indian Claims Settlement Act, Public Law 98–134, signed into law on October 18, 1983, provides a reservation for the Mashantucket Pequot Indian Tribe in New London County, CT.

[28] The Mashpee Wampanoag Tribe was recognized in February 2007, as documented at 72 FR 8007, February 22, 2007. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[29] The Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan was recognized in October 1998, as documented at 63 FR 56936, October 23, 1998. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[30] Members of the Mississippi Band of Choctaw Indians residing in Jasper and Noxubee Counties, MS, are eligible for contract health services; these two counties were inadvertently omitted from 42 CFR 136.22.

[31] Members of the Mississippi Band of Choctaw Indians residing in Jasper and Noxubee Counties, MS, are eligible for contract health services; these two counties were inadvertently omitted from 42 CFR 136.22.

[32] Scott County, MS, has historically been a part of the Choctaw Service Unit population since 1970.

[33] The Narragansett Indian Tribe was recognized by Public Law 95–395, signed into law September 30, 1978. Lands in Washington County, RI, are now Federally restricted and the Bureau of Indian Affairs considers them as the Narragansett Indian Reservation.

[34] Entire State of Nevada is included as a CHSDA by regulation (42 CFR 136.22(a)(2)).

[35] Carter County, MT, has historically been a part of the Northern Cheyenne Service Unit population since 1979.

[36] Land of Box Elder County, Utah, was taken into trust for the Northwestern Band of Shoshoni Nation in 1986.

[37] The Nottawaseppi Huron Band of the Potawatomi, Michigan, formerly known as the Huron Band of Potawatomi, Inc., was recognized in December 1995, as documented at 60 FR 66315, December 21, 1995. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[38] Washabaugh County, SD, merged and became part of Jackson County, SD, in 1983; both were/are CHSDA counties for the Oglala Sioux Tribe.

[39] Entire State of Oklahoma is included as a CHSDA by regulation (42 CFR 136.22(a)(3)).

[40] Paiute Indian Tribe of Utah Restoration Act, Public Law 96–227, provides for the extension of services for the Paiute Indian Tribe of Utah to these four counties without regard to the existence of a reservation.

[41] Legislative history (H.R. Report No. 95–1021) to Public Law 95–375, Extension of Federal Benefits to Pascua Yaqui Indians, Arizona, expresses congressional intent that lands conveyed to the Pascua Yaqui Tribe of Arizona pursuant to Act of October 8, 1964. (Pub. L. 88–350) shall be deemed a Federal Indian Reservation.

[42] The Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420; H. Rept. 96–1353) includes the intent of Congress to fund and provide contract health services to the Passamaquoddy Tribe and the Penobscot Nation.

[43] The Passamaquoddy Tribe has two reservations: Indian Township and Pleasant Point. The PRC SDA for the Passamaquoddy Tribe at Indian Township, ME, is Aroostook County, ME, Washington County, ME, and Hancock County, ME. The PRC SDA for the Passamaquoddy Tribe at Pleasant Point, ME, is Washington County, ME, south of State Route 9, and Aroostook County, ME.

[44] The Passamaquoddy Tribe's counties listed are designated administratively as the SDA, to function as a PRC SDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

[45] The Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420; H. Rept. 96–1353) includes the intent of Congress to fund and provide PRC to the Passamaquoddy Tribe and the Penobscot Nation.

[46] Counties in the Service Unit designated by Congress for the Poarch Band of Creek Indians (see H. Rept. 98–886, June 29, 1984; Cong. Record, October 10, 1984, Pg. H11929).

[47] Public Law 103–323 restored Federal recognition to the Pokagon Band of Potawatomi Indians, Michigan and Indiana, in 1994 and identified counties to serve as the SDA.

[48] The Ponca Restoration Act, Public Law 101–484, recognized members of the Ponca Tribe of Nebraska in Boyd, Douglas, Knox, Madison or Lancaster counties of Nebraska or Charles Mix county of South Dakota as residing on or near a reservation. Public Law 104–109 made technical corrections to laws relating to Native Americans and added Burt, Hall, Holt, Platte, Sarpy, Stanton, and Wayne counties of Nebraska and Pottawatomie and Woodbury counties of Iowa to the Ponca Tribe of Nebraska SDA.

[49] Special programs have been established by Congress irrespective of the eligibility regulations. Eligibility for services at these facilities is based on the legislative history of the appropriation of funds for the particular facility, rather than the eligibility regulations. Historically services have been provided at Rapid City (S. Rept. No. 1154, FY 1967 Interior Approp. 89th Cong. 2d Sess.).

[50] Historically part of Isabella Reservation Area for the Saginaw Chippewa Indian Tribe of Michigan and the Eastern Michigan Service Unit population since 1979.

[51] The Samish Indian Tribe Nation was Federally acknowledged in April 1996 as documented at 61 FR 15825, April 9, 1996. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[52] CHSDA counties for the Sault Ste. Marie Tribe of Chippewa Indians, Michigan, were designated by regulation (42 CFR 136.22(a)(4)).

[53] The Shinnecock Indian Nation was Federally acknowledged in June 2010 as documented at 75 FR 34760, June 18, 2010. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[54] Lemhi County, ID, has historically been a part of the Fort Hall Service Unit population since 1979.

[55] The Snoqualmie Indian Tribe was Federally acknowledged in August 1997 as documented at 62 FR 45864, August 29, 1997. The counties listed were designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[56] On December 30, 2011 the Office of Assistant Secretary-Indian Affairs reaffirmed the Federal recognition of the Tejon Indian Tribe. The county listed was designated administratively as the SDA, to function as a CHSDA, for the purposes of operating a CHS program pursuant to the ISDEAA, Public Law 93–638.

[57] The counties listed are designated administratively as the SDA, to function as a PRC SDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

[58] The Secretary acting through the Service is directed to provide contract health services to Turtle Mountain Band of Chippewa Indians that reside in Trenton Service Unit, North Dakota and Montana, in Divide, Mackenzie, and Williams counties in the state of North Dakota and the adjoining counties of Richland, Roosevelt, and Sheridan in the state of Montana (Sec. 815, Pub. L. 94–437).

[59] Rapides County, LA, has historically been a part of the Tunica Biloxi Service Unit population since 1982.

[60] According to Public Law 100–95, Sec. 12, members of the Wampanoag Tribe of Gay Head (Aquinnah) residing on Martha's Vineyard are deemed to be living on or near an Indian reservation for the purposes of eligibility for Federal services.

[61] The counties listed are designated administratively as the SDA, to function as a PRC SDA, for the purposes of operating a PRC program pursuant to the ISDEAA, Public Law 93–638.

[62] The Wilton Rancheria, California had Federal recognition restored in July 2009 as documented at 74 FR 33468, July 13, 2009. Sacramento County, CA, was designated administratively as the SDA, to function as a CHSDA. Sacramento County was not covered when Congress originally established the State of California as a CHSDA excluding certain counties including Sacramento County (25 U.S.C. 1680).

[63] Public Law 100–89, Restoration Act for Ysleta Del Sur and Alabama and Coushatta Tribes of Texas establishes service areas for ''members of the Tribe'' by sections 101(3) and 105(a) for the Pueblo and sections 201(3) and 206(a) respectively.

This comment period is being extended to allow all interested parties the opportunity to comment on the proposed SDA. Therefore, we are extending the comment period until June 30, 2017.

Dated: April 24, 2017.

Chris Buchanan,

Assistant Surgeon General, USPHS, Acting Director, Indian Health Service.

[FR Doc. 2017–08669 Filed 4–28–17; 8:45 a.m.]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Office of Direct Service and Contracting Tribes; Tribal Management Grant Program

Announcement Type: New and Competing Continuation.

Funding Announcement Number: HHS–2017–IHS–TMD–0001.

Catalog of Federal Domestic Assistance Number: 93.228.

Key Dates

Application Deadline Date: June 4, 2017.

Review Date: June 23–30, 2017.

Earliest Anticipated Start Date: September 1, 2017.

Signed Tribal Resolutions Due Date: June 4, 2017.

Proof of Non-Profit Status Due Date: June 4, 2017.

I. Funding Opportunity Description

Statutory Authority

The Indian Health Service (IHS) is accepting competitive grant applications for the Tribal Management Grant (TMG) program. This program is authorized under 25 U.S.C. 5322(b)(2) and 25 U.S.C. 5322(e) of the Indian Self-Determination and Education Assistance Act (ISDEAA), Public Law (Pub. L.) 93–638, as amended. This program is described in the Catalog of Federal Domestic Assistance (CFDA) under 93.228.

Background

The TMG Program is a competitive grant program that is capacity building and developmental in nature and has been available for Federally-recognized Indian Tribes and Tribal organizations (T/TO) since shortly after the passage of the ISDEAA in 1975. It was established to assist T/TO to prepare for assuming all or part of existing IHS programs, functions, services, and activities (PFSAs) and further develop and improve their health management capability. The TMG Program provides competitive grants to T/TO to establish goals and performance measures for current health programs; assess current management capacity to determine if new components are appropriate; analyze programs to determine if T/TO management is practicable; and develop infrastructure systems to manage or organize PFSAs.

Purpose

The purpose of this IHS grant announcement is to announce the availability of the TMG Program to enhance and develop health management infrastructure and assist T/TO in assuming all or part of existing IHS PSFAs through a Title I contract and assist established Title I contractors and Title V compactors to further develop and improve their management capability. In addition, TMGs are available to T/TO under the authority of 25 U.S.C. 5322(e) for (1) obtaining technical assistance from providers designated by the T/TO (including T/TO that operate mature contracts) for the purposes of program planning and evaluation, including the development of any management systems necessary for contract management and the development of cost allocation plans for indirect cost rates; and (2) planning, designing, monitoring, and evaluating Federal programs serving the T/TO, including Federal administrative functions.

II. Award Information

Type of Award

Grant.

Estimated Funds Available

The total amount of funding identified for the current fiscal year (FY) 2017 is approximately $2,412,000. Individual award amounts are anticipated to be between $50,000 and $100,000. The amount of funding available for new and competing continuation awards issued under this announcement is subject to the availability of appropriations and budgetary priorities of the Agency. The IHS is under no obligation to make awards that are selected for funding under this announcement.

Anticipated Number of Awards

Approximately 16–18 awards will be issued under this program announcement.

Project Period

The project periods vary based on the project type selected. Project periods could run from one, two, or three years and will run consecutively from the earliest anticipated start date of September 1, 2017 through August 31, 2018 for one year projects; September 1, 2017 through August 31, 2019 for two year projects; and September 1, 2017 through August 31, 2020 for three year projects. Please refer to ''Eligible TMG Project Types, Maximum Funding Levels and Project Periods'' below for additional details. State the number of years for the project period and include the exact dates.

III. Eligibility Information

I.

1. Eligibility

Eligible Applicants: ''Indian Tribes'' and ''Tribal organizations'' (T/TO) as defined by the ISDEAA are eligible to apply for the TMG Program. The definitions for each entity type are outlined below. Only one application per T/TO is allowed.

Definitions: ''Indian Tribe'' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) [43 U.S.C. 1601 *et seq.*], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. 25 U.S.C. 5304(e).

''Tribal organization'' means the recognized governing body of any Indian tribe; any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization and which includes the maximum participation of Indians in all phases of its activities. 25 U.S.C. 5304(*l*).

Tribal organizations must provide proof of non-profit status.

Eligible TMG Project Types, Maximum Funding Levels and Project Periods: The TMG Program consists of four project types: (1) Feasibility study; (2) planning; (3) evaluation study; and (4) health management structure. Applicants may submit applications for one project type only. Applicants must state the project type selected. Applications that address more than one project type will be considered ineligible. The maximum funding levels noted include both direct and indirect costs. Applicant budgets may not exceed the maximum funding level or project period identified for a project type. Applicants whose budget or project period exceed the maximum funding level or project period will be deemed ineligible and will not be reviewed. Please refer to Section IV.5, ''Funding Restrictions'' for further information regarding ineligible project activities.

1. FEASIBILITY STUDY (Maximum funding/project period: $70,000/12 months)

The Feasibility Study must include a study of a specific IHS program or segment of a program to determine if Tribal management of the program is possible. The study shall present the planned approach, training, and resources required to assume Tribal management of the program. The study must include the following four components:

- Health needs and health care services assessments that identify existing health care services and delivery systems, program divisibility issues, health status indicators, unmet needs, volume projections, and demand analysis.
- Management analysis of existing management structures, proposed management structures, implementation plans and requirements, and personnel staffing requirements and recruitment barriers.
- Financial analysis of historical trends data, financial projections and new resource requirements for program management costs and analysis of potential revenues from Federal/non-Federal sources.
- Decision statement/report that incorporates findings, conclusions and recommendations; the presentation of the study and recommendations to the Tribal governing body for determination regarding whether Tribal assumption of program(s) is desirable or warranted.

2. PLANNING (Maximum funding/project period: $50,000/12 months)

Planning projects entail a collection of data to establish goals and performance measures for the operation of current health programs or anticipated PFSAs under a Title I contract. Planning projects will specify the design of health programs and the management systems (including appropriate policies and procedures) to accomplish the health priorities of the T/TO. For example, planning projects could include the development of a Tribal Specific Health Plan or a Strategic Health Plan, etc. Please note that updated Healthy People information and Healthy People 2020 objectives are available in electronic format at the following Web site: *http://www.health.gov/healthypeople/publications.* The Public Health Service (PHS) encourages applicants submitting strategic health plans to address specific objectives of Healthy People 2020.

3. EVALUATION STUDY (Maximum funding/project period: $50,000/12 months)

The Evaluation Study must include a systematic collection, analysis, and interpretation of data for the purpose of determining the value of a program. The extent of the evaluation study could relate to the goals and objectives, policies and procedures, or programs regarding targeted groups. The evaluation study could also be used to determine the effectiveness and efficiency of a Tribal program operation (*i.e.,* direct services, financial management, personnel, data collection and analysis, third-party billing, etc.), as well as to determine the appropriateness of new components of a Tribal program operation that will assist Tribal efforts to improve their health care delivery systems.

4. HEALTH MANAGEMENT STRUCTURE (Average funding/project period: $100,000/12 months; maximum funding/project period: $300,000/36 months)

The first year maximum funding level is limited to $150,000 for multi-year projects. The Health Management Structure component allows for implementation of systems to manage or organize PFSAs. Management structures include health department organizations, health boards, and financial management systems, including systems for accounting, personnel, third-party billing, medical records, management information systems, etc. This includes the design, improvement, and correction of management systems that address weaknesses identified through quality control measures, internal control reviews, and audit report findings under required financial audits and ISDEAA requirements.

For the minimum standards for the management systems used by Indian T/TO when carrying out self-determination contracts, please see 25 CFR part 900, Contracts Under the Indian Self-Determination and Education Assistance Act, Subpart F—''Standards for Tribal or Tribal Organization Management Systems,'' §§ 900.35–900.60. For operational provisions applicable to carrying out self-governance compacts, please see 42 CFR part 137, Tribal Self-Governance, Subpart I,—''Operational Provisions'' §§ 137.160–137.220.

Please see Section IV ''Application and Submission Information'' for information on how to obtain a copy of the TMG application package.

To be eligible for this ''New/Competing, Continuation Announcement,'' an applicant must be one of the following as defined by 25 U.S.C. 5304:

i. An Indian Tribe, as defined by 25 U.S.C. 5304(e); or

ii. A Tribal organization, as defined by 25 U.S.C. 5304(*l*).

Note: Please refer to Section IV.2 (Application and Submission Information/Subsection 2, Content and Form of Application Submission) for additional proof of applicant status documents required such as Tribal resolutions, proof of non-profit status, etc.

2. Cost Sharing or Matching

The IHS does not require matching funds or cost sharing for grants or cooperative agreements.

3. Other Requirements

If application budgets exceed the highest dollar amount outlined under the ''Estimated Funds Available'' section within this funding announcement, the application will be considered ineligible and will not be reviewed for further consideration. If deemed ineligible, IHS will not return the application. The applicant will be notified by email by the Division of Grants Management (DGM) of this decision.

The following documentation is required.

Tribal Resolution

A. An Indian Tribe or Tribal organization that is proposing a project affecting another Indian Tribe must include *resolutions from all affected Tribes to be served.* Applications by Tribal organizations will not require a specific Tribal resolution if the current Tribal resolution(s) under which they operate would encompass the proposed grant activities.

An official signed Tribal resolution must be received by the DGM prior to a Notice of Award being issued to any applicant selected for funding. However, if an official signed Tribal

resolution cannot be submitted with the electronic application submission prior to the official application deadline date, a draft Tribal resolutions must be submitted by the deadline in order for the application to be considered complete and eligible for review. The draft Tribal resolution is not in lieu of the required signed resolution, but is acceptable until a signed resolution is received. If an official signed Tribal resolution is not received by DGM when funding decisions are made, then a Notice of Award will not be issued to that applicant and they will not receive any IHS funds until such time as they have submitted a signed resolution to the Grants Management Specialist listed in this Funding Announcement.

B. Tribal organizations applying for technical assistance and/or training grants must submit documentation that the Tribal organization is applying upon the request of the Indian Tribe/Tribes it intends to serve.

C. Documentation for Priority I participation requires a copy of the **Federal Register** notice or letter from the Bureau of Indian Affairs verifying establishment of Federally-recognized Tribal status within the last five years. The date on the documentation must reflect that Federal recognition was received during or after March 2012.

D. Documentation for Priority II participation requires a copy of the most current transmittal letter and Attachment A from the Department of Health and Human Services (HHS), Office of Inspector General (OIG), National External Audit Review Center (NEAR). See ''FUNDING PRIORITIES'' below for more information. If an applicant is unable to locate a copy of the most recent transmittal letter or needs assistance with audit issues, information or technical assistance may be obtained by contacting the IHS, Office of Finance and Accounting, Division of Audit at (301) 443–1270, or the NEAR help line at (800) 732–0679 or (816) 426–7720. Federally-recognized Indian Tribes or Tribal organizations not subject to Single Audit Act requirements must provide a financial statement identifying the Federal dollars in the footnotes. The financial statement must also identify specific weaknesses/recommendations that will be addressed in the TMG proposal and that are related to 25 CFR part 900, subpart F—''Standards for Tribal and Tribal Organization Management Systems.''

E. Documentation of Consortium participation—If an Indian Tribe submitting an application is a member of an eligible intertribal consortium, the Tribe must:

—Identify the consortium.
—Indicate if the consortium intends to submit a TMG application.
—Demonstrate that the Tribe's application does not duplicate or overlap any objectives of the consortium's application.
—Identify all consortium member Tribes.
—Identify if any of the member Tribes intend to submit a TMG application of their own.
—Demonstrate that the consortium's application does not duplicate or overlap any objectives of the other consortium members who may be submitting their own TMG application.

Funding Priorities: The IHS has established the following funding priorities for TMG awards:

• PRIORITY I—Any Indian Tribe that has received Federal recognition (including restored, funded, or unfunded) within the past five years, specifically received during or after March 2012, will be considered Priority I.

• PRIORITY II—Federally-recognized Indian Tribes or Tribal organizations submitting a competing continuation application or a new application for the sole purpose of addressing audit material weaknesses will be considered Priority II.

Priority II participation is only applicable to the Health Management Structure project type. For more information, see ''Eligible TMG Project Types, Maximum Funding Levels and Project Periods'' in Section II.

• PRIORITY III—Eligible Direct Service and Title I Federally-recognized Indian Tribes or Tribal organizations submitting a competing continuation application or a new application will be considered Priority III.

• PRIORITY IV—Eligible Title V Self Governance Federally-recognized Indian Tribes or Tribal organizations submitting a competing continuation or a new application will be considered Priority IV.

The funding of approved Priority I applicants will occur before the funding of approved Priority II applicants. Priority II applicants will be funded before approved Priority III applicants. Priority III applicants will be funded before Priority IV applicants. Funds will be distributed until depleted.

The following definitions are applicable to the PRIORITY II category:

Audit finding means deficiencies which the auditor is required by 45 CFR 75.516, to report in the schedule of findings and questioned costs.

Material weakness—''Statements on Auditing Standards 115'' defines material weakness as a deficiency, or combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Significant deficiency—Statements on Auditing Standards 115 defines significant deficiency as a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

The audit findings are identified in Attachment A of the transmittal letter received from the HHS/OIG/NEAR. Please identify the material weaknesses to be addressed by underlining the item(s) listed on the Attachment A.

Federally-recognized Indian Tribes or Tribal organizations not subject to Single Audit Act requirements must provide a financial statement identifying the Federal dollars received in the footnotes. The financial statement should also identify specific weaknesses/recommendations that will be addressed in the TMG proposal and that are related to 25 CFR part 900, subpart F—''Standards for Tribal and Tribal Organization Management Systems.''

Proof of Non-Profit Status

Organizations claiming non-profit status must submit proof. A copy of the 501(c)(3) Certificate must be received with the application submission by the Application Deadline Date listed under the Key Dates section on page one of this announcement.

An applicant submitting any of the above additional documentation after the initial application submission due date is required to ensure the information was received by the IHS DGM by obtaining documentation confirming delivery (*i.e.,* FedEx tracking, postal return receipt, etc.).

IV. Application and Submission Information

1. Obtaining Application Materials

The application package and detailed instructions for this announcement can be found at *http://www.Grants.gov* or *https://www.ihs.gov/dgm/funding/*.

Questions regarding the electronic application process may be directed to Mr. Paul Gettys at (301) 443–2114 or (301) 443–5204.

2. Content and Form Application Submission

The applicant must include the project narrative as an attachment to the

application package. Mandatory documents for all applicants include:

- Table of contents.
- Abstract (one page) summarizing the project.
- Application forms:
  - SF–424, Application for Federal Assistance.
  - SF–424A, Budget Information—Non-Construction Programs.
  - SF–424B, Assurances—Non-Construction Programs.
- Budget Justification and Narrative (must be single spaced and not exceed five pages).
- Project Narrative (must be single spaced and not exceed 15 pages).
  - Background information on the organization.
  - Proposed scope of work, objectives, and activities that provide a description of what will be accomplished, including a one-page Timeframe Chart.
- Tribal resolution.
- 501(c)(3) Certificate (if applicable).
- Position descriptions for key personnel.
- Contractor/Consultant resumes or qualifications and scope of work.
- Disclosure of Lobbying Activities (SF–LLL).
- Certification Regarding Lobbying (GG-Lobbying Form).
- Copy of current Negotiated Indirect Cost rate (IDC) agreement (required) in order to receive IDC.
- Organizational Chart (optional).
- Documentation of current Office of Management and Budget (OMB) Financial Audit (if applicable).
  - Email confirmation from Federal Audit Clearinghouse (FAC) that audits were submitted; or
  - Face sheets from audit reports. These can be found on the FAC Web site: *https://harvester.census.gov/facdissem/Main.aspx*.

Public Policy Requirements

All Federal-wide public policies apply to IHS grants and cooperative agreements with exception of the discrimination policy.

Requirements for Project and Budget Narratives

A. Project Narrative: This narrative should be a separate Word document that is no longer than 15 pages and must: Be single-spaced, be type written, have consecutively numbered pages, use black type not smaller than 12 points, and be printed on one side only of standard size 8½″ x 11″ paper.

Be sure to succinctly answer all questions listed under the evaluation criteria (refer to Section V.1, Evaluation criteria in this announcement) and place all responses and required information in the correct section (noted below), or they shall not be considered or scored. These narratives will assist the Objective Review Committee (ORC) in becoming familiar with the applicant's activities and accomplishments prior to this possible grant award. If the narrative exceeds the page limit, only the first 15 pages will be reviewed. The 15-page limit for the narrative does not include the work plan, standard forms, Tribal resolutions, table of contents, budget, budget justifications, narratives, and/or other appendix items.

There are three parts to the narrative: Part A—Program Information; Part B—Program Planning and Evaluation; and Part C—Program Report. See below for additional details about what must be included in the narrative.

Part A: Program Information (2 page limitation)

Section 1: Needs

Describe how the T/TO has determined the need to either enhance or develop its management capability to either assume PFSAs or not in the interest of self-determination. Note the progression of previous TMG projects/awards if applicable.

Part B: Program Planning and Evaluation (11 page limitation)

Section 1: Program Plans

Describe fully and clearly the direction the T/TO plans to take with the selected TMG project type in addressing their health management infrastructure including how the T/TO plans to demonstrate improved health and services to the community or communities it serves. Include proposed timelines.

Section 2: Program Evaluation

Describe fully and clearly the improvements that will be made by the T/TO that will impact their management capability or prepare them for future improvements to their organization that will allow them to manage their health care system and identify the anticipated or expected benefits for the Tribe.

Part C: Program Report (2 page limitation)

Section 1: Describe major accomplishments over the last 24 months.

Please identify and describe significant program achievements associated with the delivery of quality health services. Provide a comparison of the actual accomplishments to the goals established for the project period, or if applicable, provide justification for the lack of progress.

Section 2: Describe major activities over the last 24 months.

Please identify and summarize recent major health related project activities of the work done during the project period.

B. Budget Narrative (5 page limitation)

This narrative must include a line item budget with a narrative justification for all expenditures identifying reasonable allowable, allocable costs necessary to accomplish the goals and objectives as outlined in the project narrative. Budget should match the scope of work described in the project narrative.

3. Submission Dates and Times

Applications must be submitted electronically through *Grants.gov* by 11:59 p.m. Eastern Daylight Time (EDT) on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Any application received after the application deadline will not be accepted for processing, nor will it be given further consideration for funding. *Grants.gov* will notify the applicant via email if the application is rejected.

If technical challenges arise and assistance is required with the electronic application process, contact *Grants.gov* Customer Support via email to *support@grants.gov* or at (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays). If problems persist, contact Mr. Gettys (*Paul.Gettys@ihs.gov*), DGM Grant Systems Coordinator, by telephone at (301) 443–2114 or (301) 443–5204. Please be sure to contact Mr. Gettys at least ten days prior to the application deadline. Please do not contact the DGM until you have received a *Grants.gov* tracking number. In the event you are not able to obtain a tracking number, call the DGM as soon as possible.

4. Intergovernmental Review

Executive Order 12372 requiring intergovernmental review is not applicable to this program.

5. Funding Restrictions

- Pre-award costs are not allowable.
- The available funds are inclusive of direct and appropriate indirect costs.
- Only one grant will be awarded per applicant.
- IHS will not acknowledge receipt of applications.
- The TMG may not be used to support recurring operational programs or to replace existing public and private resources. Funding received under a recurring Public Law 93–638 contract cannot be totally supplanted or totally replaced. Exception is allowed to charge a portion or percentage of salaries of

existing staff positions involved in implementing the TMG grant, if applicable. However, this percentage of TMG funding must reflect supplementation of funding for the project and not supplantation of existing ISDEAA contract funds. Supplementation is ''adding to a program'' whereas supplantation is ''taking the place of'' funds. An entity cannot use the TMG funds to supplant the ISDEAA contract or recurring funding.

- Ineligible Project Activities—The inclusion of the following projects or activities in an application will render the application ineligible.
  - Planning and negotiating activities associated with the intent of a Tribe to enter the IHS Self-Governance Project. A separate grant program is administered by the IHS for this purpose. Prospective applicants interested in this program should contact Ms. Anna Johnson, Policy Analyst, Office of Tribal Self-Governance, Indian Health Service, 5600 Fishers Lane, Mail Stop 08E05, Rockville, MD, 20857, (301) 443–7821, and request information concerning the ''Tribal Self-Governance Program Planning Cooperative Agreement Announcement'' or the ''Negotiation Cooperative Agreement Announcement.''
  - Projects related to water, sanitation, and waste management.
  - Projects that include direct patient care and/or equipment to provide those medical services to be used to establish or augment or continue direct patient clinical care. Medical equipment that is allowable under the Special Diabetes Program for Indians is not allowable under the TMG Program.
  - Projects that include recruitment efforts for direct patient care services.
  - Projects that include long-term care or provision of any direct services.
  - Projects that include tuition, fees, or stipends for certification or training of staff to provide direct services.
  - Projects that include pre-planning, design, and planning of construction for facilities, including activities relating to program justification documents.
  - Projects that propose more than one project type. Refer to Section II, ''Award Information,'' specifically ''Eligible TMG Project Types, Maximum Funding Levels and Project Periods'' for more information. An example of a proposal with more than one project type that would be considered ineligible may include the creation of a strategic health plan (defined by TMG as a planning project type) and improving third-party billing structures (defined by TMG as a health management structure project type). Multi-year applications that include in the first year planning, evaluation, or feasibility activities with the remainder of the project years addressing management structure are also deemed ineligible.
  - Any Alaska Native Village that is neither a Title I nor a Title V organization and does not have the legal authority to contract services under the ISDEAA as it is affiliated with one of the Alaska health corporations as a consortium member and has all of its IHS funding for the Village administered through an Alaska health corporation, a Title V compactor, is not eligible for consideration under the TMG program.

  Moreover, Congress has reenacted its moratorium in Alaska on new contracting under the ISDEAA with Alaska Native Tribes that do not already have contracts or compacts with the IHS under this Act. See the Consolidated Appropriations Act, 2014 (Jan. 17, 2014), Public Law 113–76, 128 Stat. 5, 343–44: SEC. 424. (a) Notwithstanding any other provision of law and until October 1, 2018, the Indian Health Service may not disburse funds for the provision of health care services pursuant to Public Law 93–638 (25 U.S.C. 5301 *et seq.*) to any Alaska Native village or Alaska Native village corporation that is located within the area served by an Alaska Native regional health entity.

  Consequently, Alaska Native Villages will not have any opportunity to enter into an ISDEAA contract with the IHS until this law lapses on October 1, 2018.
- Other Limitations—A current TMG recipient cannot be awarded a new, renewal, or competing continuation grant for any of the following reasons:
  - The grantee will be administering two TMGs at the same time or have overlapping project/budget periods;
  - The current project is not progressing in a satisfactory manner;
  - The current project is not in compliance with program and financial reporting requirements; or
  - The applicant has an outstanding delinquent Federal debt. No award shall be made until either:
    - The delinquent account is paid in full; or
    - A negotiated repayment schedule is established and at least one payment is received.

6. Electronic Submission Requirements

All applications must be submitted electronically. Please use the *http://www.Grants.gov* Web site to submit an application electronically and select the ''Find Grant Opportunities'' link on the homepage. Follow the instructions for submitting an application under the Package tab. Electronic copies of the application may not be submitted as attachments to email messages addressed to IHS employees or offices.

If the applicant needs to submit a paper application instead of submitting electronically through *Grants.gov*, a waiver must be requested. Prior approval must be requested and obtained from Mr. Robert Tarwater, Director, DGM, (see Section IV.6 below for additional information). A written waiver request must be sent to *GrantsPolicy@ihs.gov* with a copy to *Robert.Tarwater@ihs.gov*. The waiver must (1) be documented in writing (emails are acceptable), before submitting a paper application, and (2) include clear justification for the need to deviate from the required electronic grants submission process.

Once the waiver request has been approved, the applicant will receive a confirmation of approval email containing submission instructions and the mailing address to submit the application. A copy of the written approval must be submitted along with the hardcopy of the application that is mailed to DGM. Paper applications that are submitted without a copy of the signed waiver from the Director of the DGM will not be reviewed or considered for funding. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Paper applications must be received by the DGM no later than 5:00 p.m., EDT, on the Application Deadline Date listed in the Key Dates section on page one of this announcement. Late applications will not be accepted for processing or considered for funding. Applicants that do not adhere to the timelines for System for Award Management (SAM) and/or *http://www.Grants.gov* registration or that fail to request timely assistance with technical issues will not be considered for a waiver to submit a paper application.

Please be aware of the following:

- Please search for the application package in *http://www.Grants.gov* by entering the CFDA number or the Funding Opportunity Number. Both numbers are located in the header of this announcement.
- If you experience technical challenges while submitting your application electronically, please contact *Grants.gov* Support directly at: *support@grants.gov* or (800) 518–4726. Customer Support is available to address questions 24 hours a day, 7 days a week (except on Federal holidays).
- Upon contacting *Grants.gov*, obtain a tracking number as proof of contact. The tracking number is helpful if there are technical issues that cannot be

resolved and a waiver from the agency must be obtained.

- Applicants are strongly encouraged not to wait until the deadline date to begin the application process through *Grants.gov* as the registration process for SAM and *Grants.gov* could take up to fifteen working days.
- Please use the optional attachment feature in *Grants.gov* to attach additional documentation that may be requested by the DGM.
- All applicants must comply with any page limitation requirements described in this funding announcement.
- After electronically submitting the application, the applicant will receive an automatic acknowledgment from *Grants.gov* that contains a *Grants.gov* tracking number. The DGM will download the application from *Grants.gov* and provide necessary copies to the appropriate agency officials. Neither the DGM nor the Office of Direct Service and Contracting Tribes (ODSCT) will notify the applicant that the application has been received.
- Email applications will not be accepted under this announcement.

Dun and Bradstreet (D&B) Data Universal Numbering System (DUNS)

All IHS applicants and grantee organizations are required to obtain a DUNS number and maintain an active registration in the SAM database. The DUNS number is a unique 9-digit identification number provided by D&B which uniquely identifies each entity. The DUNS number is site specific; therefore, each distinct performance site may be assigned a DUNS number. Obtaining a DUNS number is easy, and there is no charge. To obtain a DUNS number, you may access it through *http://fedgov.dnb.com/webform,* or to expedite the process, call (866) 705–5711.

All HHS recipients are required by the Federal Funding Accountability and Transparency Act of 2006, as amended (''Transparency Act''), to report information on sub-awards. Accordingly, all IHS grantees must notify potential first-tier sub-recipients that no entity may receive a first-tier sub-award unless the entity has provided its DUNS number to the prime grantee organization. This requirement ensures the use of a universal identifier to enhance the quality of information available to the public pursuant to the Transparency Act.

System for Award Management (SAM)

Organizations that were not registered with Central Contractor Registration and have not registered with SAM will need to obtain a DUNS number first and then access the SAM online registration through the SAM home page at *https://www.sam.gov* (U.S. organizations will also need to provide an Employer Identification Number from the Internal Revenue Service that may take an additional 2–5 weeks to become active). Completing and submitting the registration takes approximately one hour to complete and SAM registration will take 3–5 business days to process. Registration with the SAM is free of charge. Applicants may register online at *https://www.sam.gov.*

Additional information on implementing the Transparency Act, including the specific requirements for DUNS and SAM, can be found on the IHS Grants Management, Grants Policy Web site: *https://www.ihs.gov/dgm/policytopics/.*

V. Application Review Information

The instructions for preparing the application narrative also constitute the evaluation criteria for reviewing and scoring the application. Weights assigned to each section are noted in parentheses. The 15-page narrative should include only the first year of activities; information for multi-year projects should be included as an appendix. See ''Multi-Year Project Requirements'' at the end of this section for more information. The narrative section should be written in a manner that is clear to outside reviewers unfamiliar with prior related activities of the applicant. It should be well organized, succinct, and contain all information necessary for reviewers to understand the project fully. Points will be assigned to each evaluation criteria adding up to a total of 100 points. A minimum score of 60 points is required for funding. Points are assigned as follows:

1. Criteria

A. Introduction and Need for Assistance (20 points)

(1) Describe the T/TO's current health operation. Include what programs and services are currently provided (*i.e.,* Federally-funded, State-funded, etc.), information regarding technologies currently used (*i.e.,* hardware, software, services, etc.), and identify the source(s) of technical support for those technologies (*i.e.,* Tribal staff, area office, vendor, etc.). Include information regarding whether the T/TO has a health department and/or health board and how long it has been operating.

(2) Describe the population to be served by the proposed project. Include the number of eligible IHS beneficiaries who currently use the services.

(3) Describe the geographic location of the proposed project including any geographic barriers to the health care users in the area to be served.

(4) Identify all TMGs received since FY 2012, dates of funding and a summary of project accomplishments. State how previous TMG funds facilitated the progression of health development relative to the current proposed project. (Copies of reports will not be accepted.)

(5) Identify the eligible project type and priority group of the applicant.

(6) Explain the need/reason for the proposed project by identifying specific gaps or weaknesses in services or infrastructure that will be addressed by the proposed project. Explain how these gaps/weaknesses have been assessed.

(7) If the proposed project includes information technology (*i.e.,* hardware, software, etc.), provide further information regarding measures taken or to be taken that ensure the proposed project will not create other gaps in services or infrastructure (*i.e.,* negatively affect or impact IHS interface capability, Government Performance and Results Act reporting requirements, contract reporting requirements, Information Technology (IT) compatibility, etc.) if applicable.

(8) Describe the effect of the proposed project on current programs (*i.e.,* Federally-funded, State-funded, etc.) and, if applicable, on current equipment (*i.e.,* hardware, software, services, etc.). Include the effect of the proposed project on planned/anticipated programs and/or equipment.

(9) Address how the proposed project relates to the purpose of the TMG Program by addressing the appropriate description that follows:

- Identify if the T/TO is an IHS Title I contractor. Address if the self-determination contract is a master contract of several programs or if individual contracts are used for each program. Include information regarding whether or not the Tribe participates in a consortium contract (*i.e.,* more than one Tribe participating in a contract). Address what programs are currently provided through those contracts and how the proposed project will enhance the organization's capacity to manage the contracts currently in place.
- Identify if the T/TO is not a Title I organization. Address how the proposed project will enhance the organization's management capabilities, what programs and services the organization is currently seeking to contract and an anticipated date for contract.

• Identify if the T/TO is an IHS Title V compactor. Address when the T/TO entered into the compact and how the proposed project will further enhance the organization's management capabilities.

B. Project Objective(s), Work Plan and Approach (40 points)

(1) Identify the proposed project objective(s) addressing the following:

• Objectives must be measureable and (if applicable) quantifiable.

• Objectives must be results oriented.

• Objectives must be time-limited.

Example: By installing new third-party billing software, the Tribe will increase the number of bills processed by 15 percent at the end of 12 months.

(2) Address how the proposed project will result in change or improvement in program operations or processes for each proposed project objective. Also address what tangible products are expected from the project (*i.e.,* policies and procedures manual, health plan, etc.).

(3) Address the extent to which the proposed project will build local capacity to provide, improve, or expand services that address the need(s) of the target population.

(4) Submit a work plan in the Appendix which includes the following information:

• Provide the action steps on a timeline for accomplishing the proposed project objective(s).

• Identify who will perform the action steps.

• Identify who will supervise the action steps taken.

• Identify what tangible products will be produced during and at the end of the proposed project.

• Identify who will accept and/or approve work products during the duration of the proposed project and at the end of the proposed project.

• Include any training that will take place during the proposed project and who will be providing and attending the training.

• Include evaluation activities planned in the work plans.

(5) If consultants or contractors will be used during the proposed project, please include the following information in their scope of work (or note if consultants/contractors will not be used):

• Educational requirements.

• Desired qualifications and work experience.

• Expected work products to be delivered on a timeline.

If a potential consultant/contractor has already been identified, please include a resume in the Appendix.

(6) Describe what updates (*i.e.,* revision of policies/procedures, upgrades, technical support, etc.) will be required for the continued success of the proposed project. Include when these updates are anticipated and where funds will come from to conduct the update and/or maintenance.

C. Program Evaluation (20 points)

Each proposed objective requires an evaluation component to assess its progression and ensure its completion. Also, include the evaluation activities in the work plan.

Describe the proposed plan to evaluate both outcomes and processes. Outcome evaluation relates to the results identified in the objectives, and process evaluation relates to the work plan and activities of the project.

(1) For outcome evaluation, describe:

• What will the criteria be for determining success of each objective?

• What data will be collected to determine whether the objective was met?

• At what intervals will data be collected?

• Who will collect the data and their qualifications?

• How will the data be analyzed?

• How will the results be used?

(2) For process evaluation, describe:

• How will the project be monitored and assessed for potential problems and needed quality improvements?

• Who will be responsible for monitoring and managing project improvements based on results of ongoing process improvements and their qualifications?

• How will ongoing monitoring be used to improve the project?

• Describe any products, such as manuals or policies, that might be developed and how they might lend themselves to replication by others.

• How will the organization document what is learned throughout the project period?

(3) Describe any evaluation efforts planned after the grant period has ended.

(4) Describe the ultimate benefit to the Tribe that is expected to result from this project. An example of this might be the ability of the Tribe to expand preventive health services because of increased billing and third party payments.

D. Organizational Capabilities, Key Personnel and Qualifications (15 points)

This section outlines the broader capacity of the organization to complete the project outlined in the work plan. It includes the identification of personnel responsible for completing tasks and the chain of responsibility for successful completion of the projects outlined in the work plan.

(1) Describe the organizational structure of the T/TO beyond health care activities, if applicable.

(2) Provide information regarding plans to obtain management systems if the T/TO does not have an established management system currently in place that complies with 25 CFR part 900, subpart F, ''Standards for Tribal or Tribal Organization Management Systems.'' State if management systems are already in place and how long the systems have been in place.

(3) Describe the ability of the organization to manage the proposed project. Include information regarding similarly sized projects in scope and financial assistance as well as other grants and projects successfully completed.

(4) Describe what equipment (*i.e.,* fax machine, phone, computer, etc.) and facility space (*i.e.,* office space) will be available for use during the proposed project. Include information about any equipment not currently available that will be purchased through the grant.

(5) List key personnel who will work on the project. Include all titles of key personnel in the work plan. In the Appendix, include position descriptions and resumes for all key personnel. Position descriptions should clearly describe each position and duties, indicating desired qualifications and experience requirements related to the proposed project. Resumes must indicate that the proposed staff member is qualified to carry out the proposed project activities. If a position is to be filled, indicate that information on the proposed position description.

(6) Address how the T/TO will sustain the position(s) after the grant expires if the project requires additional personnel (*i.e.,* IT support, etc.). State if there is no need for additional personnel.

(7) If the personnel are to be only partially funded by this grant, indicate the percentage of time to be allocated to the project and identify the resources used to fund the remainder of the individual's salary.

E. Categorical Budget and Budget Justification (5 points)

(1) Provide a categorical budget for each of the 12-month budget periods requested.

(2) If indirect costs are claimed, indicate and apply the current negotiated rate to the budget. Include a copy of the rate agreement in the Appendix.

(3) Provide a narrative justification explaining why each categorical budget

line item is necessary and relevant to the proposed project. Include sufficient cost and other details to facilitate the determination of cost allowability (*i.e.,* equipment specifications, etc.).

Multi-Year Project Requirements

For projects requiring a second and/or third year, include only Year 2 and/or Year 3 narrative sections (objectives, evaluation components and work plan) that differ from those in Year 1. For every project year, include a full budget justification and a detailed, itemized categorical budget showing calculation methodologies for each item. The same weights and criteria which are used to evaluate a one-year project or the first year of a multi-year project will be applied when evaluating the second and third years of a multi-year application. A weak second and/or third year submission could negatively impact the overall score of an application and result in elimination of the proposed second and/or third years with a recommendation for only a one-year award.

Additional Documents Can Be Uploaded as Appendix Items in *Grants.gov*

- Work plan, logic model and/or time line for proposed objectives.
- Position descriptions for key staff.
- Resumes of key staff that reflect current duties.
- Consultant or contractor proposed scope of work and letter of commitment (if applicable).
- Current Indirect Cost Agreement.
- Organizational chart.
- Additional documents to support narrative (*i.e.,* data tables, key news articles, etc.).

2. Review and Selection

Each application will be prescreened by the DGM staff for eligibility and completeness as outlined in the funding announcement. Applications that meet the eligibility criteria shall be reviewed for merit by the ORC based on evaluation criteria in this funding announcement. The ORC could be composed of both Tribal and Federal reviewers appointed by the IHS program to review and make recommendations on these applications. The technical review process ensures selection of quality projects in a national competition for limited funding. Incomplete applications and applications that are non-responsive to the eligibility criteria will not be referred to the ORC. The applicant will be notified via email of this decision by the Grants Management Officer of the DGM. Applicants will be notified by DGM, via email, to outline minor missing components (*i.e.,* budget narratives, audit documentation, key contact form) needed for an otherwise complete application. All missing documents must be sent to DGM on or before the due date listed in the email of notification of missing documents required.

To obtain a minimum score for funding by the ORC, applicants must address all program requirements and provide all required documentation.

VI. Award Administration Information

1. Award Notices

The Notice of Award (NoA) is a legally binding document signed by the Grants Management Officer and serves as the official notification of the grant award. The NoA will be initiated by the DGM in our grant system, GrantSolutions (*https://www.grantsolutions.gov*). Each entity that is approved for funding under this announcement will need to request or have a user account in GrantSolutions in order to retrieve their NoA. The NoA is the authorizing document for which funds are dispersed to the approved entities and reflects the amount of Federal funds awarded, the purpose of the grant, the terms and conditions of the award, the effective date of the award, and the budget/project period.

Disapproved Applicants

Applicants who received a score less than the recommended funding level for approval (60 points) and were deemed to be disapproved by the ORC, will receive an Executive Summary Statement from the ODSCT within 30 days of the conclusion of the ORC outlining the strengths and weaknesses of their application submitted. The summary statement will be sent to the Authorized Organizational Representative that is identified on the face page (SF–424) of the application. The ODSCT will also provide additional contact information as needed to address questions and concerns as well as provide technical assistance if desired.

Approved but Unfunded Applicants

Approved but unfunded applicants that met the minimum scoring range and were deemed by the ORC to be ''Approved,'' but were not funded due to lack of funding, will have their applications held by DGM for a period of one year. If additional funding becomes available during the course of FY 2017 the approved but unfunded application may be re-considered by the awarding program office for possible funding. The applicant will also receive an Executive Summary Statement from the IHS program office within 30 days of the conclusion of the ORC.

Note: Any correspondence other than the official NoA signed by an IHS grants management official announcing to the project director that an award has been made to their organization is not an authorization to implement their program on behalf of IHS.

2. Administrative Requirements

Grants are administered in accordance with the following regulations and policies:

A. The criteria as outlined in this program announcement.

B. Uniform Administrative Regulations for Grants:

- Uniform Administrative Requirements for HHS Awards, located at 45 CFR part 75.

C. Grants Policy:

- HHS Grants Policy Statement, Revised 01/07.

D. Cost Principles:

- Uniform Administrative Requirements for HHS Awards, ''Cost Principles,'' located at 45 CFR part 75, subpart E.

E. Audit Requirements:

- Uniform Administrative Requirements for HHS Awards, ''Audit Requirements,'' located at 45 CFR part 75, subpart F.

3. Indirect Costs

This section applies to all grant recipients that request reimbursement of indirect costs (IDC) in their grant application. In accordance with HHS Grants Policy Statement, Part II–27, IHS requires applicants to obtain a current IDC rate agreement prior to award. The rate agreement must be prepared in accordance with the applicable cost principles and guidance as provided by the cognizant agency or office. A current rate covers the applicable grant activities under the current award's budget period. If the current rate is not on file with the DGM at the time of award, the IDC portion of the budget will be restricted. The restrictions remain in place until the current rate is provided to the DGM.

Generally, IDC rates for IHS grantees are negotiated with the Division of Cost Allocation (DCA) *https://rates.psc.gov/* and the Department of Interior (Interior Business Center) *https://www.doi.gov/ibc/services/finance/indirect-Cost-Services/indian-tribes.* For questions regarding the indirect cost policy, please call the Grants Management Specialist listed under ''Agency Contacts'' or the main DGM office at (301) 443–5204.

4. Reporting Requirements

The grantee must submit required reports consistent with the applicable deadlines. Failure to submit required reports within the time allowed may result in suspension or termination of an active grant, withholding of additional awards for the project, or other enforcement actions such as withholding of payments or converting to the reimbursement method of payment. Continued failure to submit required reports may result in one or both of the following: (1) The imposition of special award provisions; and (2) the non-funding or non-award of other eligible projects or activities. This requirement applies whether the delinquency is attributable to the failure of the grantee organization or the individual responsible for preparation of the reports. Per DGM policy, all reports are required to be submitted electronically by attaching them as a ''Grant Note'' in GrantSolutions. Personnel responsible for submitting reports will be required to obtain a login and password for GrantSolutions. Please see the Agency Contacts list in section VII for the systems contact information.

The reporting requirements for this program are noted below.

A. Progress Reports

Program progress reports are required semi-annually within 30 days after the budget period ends. These reports must include a brief comparison of actual accomplishments to the goals established for the period, or, if applicable, provide sound justification for the lack of progress, and other pertinent information as required. A final report must be submitted within 90 days of expiration of the budget/project period.

B. Financial Reports

Federal Financial Report FFR (SF–425), Cash Transaction Reports are due 30 days after the close of every calendar quarter to the Payment Management Services, HHS at *https://pms.psc.gov.* It is recommended that the applicant also send a copy of the FFR (SF–425) report to the Grants Management Specialist. Failure to submit timely reports may cause a disruption in timely payments to the organization.

Grantees are responsible and accountable for accurate information being reported on all required reports: The Progress Reports and Federal Financial Report.

C. Federal Sub-award Reporting System (FSRS)

This award may be subject to the Transparency Act sub-award and executive compensation reporting requirements of 2 CFR part 170.

The Transparency Act requires the OMB to establish a single searchable database, accessible to the public, with information on financial assistance awards made by Federal agencies. The Transparency Act also includes a requirement for recipients of Federal grants to report information about first-tier sub-awards and executive compensation under Federal assistance awards.

IHS has implemented a Term of Award into all IHS Standard Terms and Conditions, NoAs and funding announcements regarding the FSRS reporting requirement. This IHS Term of Award is applicable to all IHS grant and cooperative agreements issued on or after October 1, 2010, with a $25,000 sub-award obligation dollar threshold met for any specific reporting period. Additionally, all new (discretionary) IHS awards (where the project period is made up of more than one budget period) and where: (1) The project period start date was October 1, 2010 or after and (2) the primary awardee will have a $25,000 sub-award obligation dollar threshold during any specific reporting period will be required to address the FSRS reporting.

For the full IHS award term implementing this requirement and additional award applicability information, visit the DGM Grants Policy Web site at: *https://www.ihs.gov/dgm/policytopics/.*

D. Compliance With Executive Order 13166 Implementation of Services Accessibility Provisions for All Grant Application Packages and Funding Opportunity Announcements

Recipients of Federal financial assistance (FFA) from HHS must administer their programs in compliance with Federal civil rights law. This means that recipients of HHS funds must ensure equal access to their programs without regard to a person's race, color, national origin, disability, age and, in some circumstances, sex and religion. This includes ensuring your programs are accessible to persons with limited English proficiency. HHS provides guidance to recipients of FFA on meeting their legal obligation to take reasonable steps to provide meaningful access to their programs by persons with limited English proficiency. Please see *http://www.hhs.gov/civil-rights/for-individuals/special-topics/limited-english-proficiency/guidance-federal-financial-assistance-recipients-title-VI/.*

The HHS Office for Civil Rights (OCR) also provides guidance on complying with civil rights laws enforced by HHS. Please see *http://www.hhs.gov/civil-rights/for-individuals/section-1557/index.html;* and *http://www.hhs.gov/civil-rights/index.html.* Recipients of FFA also have specific legal obligations for serving qualified individuals with disabilities. Please see *http://www.hhs.gov/civil-rights/for-individuals/disability/index.html.* Please contact the HHS OCR for more information about obligations and prohibitions under Federal civil rights laws at *http://www.hhs.gov/ocr/about-us/contact-us/headquarters-and-regional-addresses/index.html* or call 1–800–368–1019 or TDD 1–800–537–7697. Also note it is an HHS Departmental goal to ensure access to quality, culturally competent care, including long-term services and supports, for vulnerable populations. For further guidance on providing culturally and linguistically appropriate services, recipients should review the National Standards for Culturally and Linguistically Appropriate Services in Health and Health Care at *http://minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=53.*

Pursuant to 45 CFR 80.3(d), an individual shall not be deemed subjected to discrimination by reason of his/her exclusion from benefits limited by federal law to individuals eligible for benefits and services from the IHS.

Recipients will be required to sign the HHS–690 Assurance of Compliance form which can be obtained from the following Web site: *http://www.hhs.gov/sites/default/files/forms/hhs-690.pdf,* and send it directly to the: U.S. Department of Health and Human Services, Office of Civil Rights, 200 Independence Ave. SW., Washington, DC 20201.

E. Federal Awardee Performance and Integrity Information System (FAPIIS)

The IHS is required to review and consider any information about the applicant that is in the Federal Awardee Performance and Integrity Information System (FAPIIS) before making any award in excess of the simplified acquisition threshold (currently $150,000) over the period of performance. An applicant may review and comment on any information about itself that a federal awarding agency previously entered. IHS will consider any comments by the applicant, in addition to other information in FAPIIS in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants as described in 45 CFR 75.205.

As required by 45 CFR part 75 Appendix XII of the Uniform Guidance, non-federal entities (NFEs) are required to disclose in FAPIIS any information about criminal, civil, and administrative proceedings, and/or affirm that there is no new information to provide. This applies to NFEs that receive Federal awards (currently active grants, cooperative agreements, and procurement contracts) greater than $10,000,000 for any period of time during the period of performance of an award/project.

Mandatory Disclosure Requirements

As required by 2 CFR part 200 of the Uniform Guidance, and the HHS implementing regulations at 45 CFR part 75, effective January 1, 2016, the IHS must require a non-federal entity or an applicant for a Federal award to disclose, in a timely manner, in writing to the IHS or pass-through entity all violations of Federal criminal law involving fraud, bribery,or gratutity violations potentially affecting the Federal award.

Submission is required for all applicants and recipients, in writing, to the IHS and to the HHS Office of Inspector General all information related to violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. 45 CFR 75.113.

Disclosures must be sent in writing to: U.S. Department of Health and Human Services, Indian Health Service, Division of Grants Management, ATTN: Robert Tarwater, Director, 5600 Fishers Lane, Mailstop 09E70, Rockville, Maryland 20857.

(Include ''Mandatory Grant Disclosures'' in subject line)

Office: (301) 443–5204.

Fax: (301) 594–0899.

Email: Robert.Tarwater@ihs.gov.

AND

U.S. Department of Health and Human Services, Office of Inspector General, ATTN: Mandatory Grant Disclosures, Intake Coordinator, 330 Independence Avenue SW., Cohen Building, Room 5527, Washington, DC 20201.

URL: http://oig.hhs.gov/fraud/reportfraud/index.asp.

(Include ''Mandatory Grant Disclosures'' in subject line).

Fax: (202) 205–0604 (Include ''Mandatory Grant Disclosures'' in subject line) or

Email: MandatoryGranteeDisclosures@oig.hhs.gov.

Failure to make required disclosures can result in any of the remedies described in 45 CFR 75.371 Remedies for noncompliance, including suspension or debarment (See 2 CFR parts 180 & 376 and 31 U.S.C. 3321).

VII. Agency Contacts

1. Questions on the programmatic issues may be directed to: Roselyn Tso, Acting Director, Office of Direct Service and Contracting Tribes, Indian Health Service, 5600 Fishers Lane, Mail Stop 08E17, Rockville, MD 20857, Telephone: (301) 443–1104, Email: *roselyn.tso@ihs.gov*.

2. Questions on grants management and fiscal matters may be directed to:

Ms. Vanietta Armstrong, Grants Management Specialist, Indian Health Service, OMS/DGM, 5600 Fishers Lane, Mail Stop 09E70, Rockville, MD 20857, Telephone: (301) 443–4792, Fax: (301) 594–0899, Email: *vanietta.armstrong@ihs.gov*.

3. Questions on systems matters may be directed to: Mr. Paul Gettys, Grant Systems Coordinator, 5600 Fishers Lane, Mail Stop 09E70, Rockville, MD 20857, Phone: (301) 443–2114; or the DGM main line (301) 443–5204, Fax: (301) 594–0899, E-Mail: *Paul.Gettys@ihs.gov*.

VIII. Other Information

The Public Health Service strongly encourages all cooperative agreement and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of the facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the HHS mission to protect and advance the physical and mental health of the American people.

Dated: April 24, 2017.

RADM Chris Buchanan, R.E.H.S., M.P.H.

Assistant Surgeon General, USPHS
Acting Director
Indian Health Service

VIII. Other Information

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Dated: April 24, 2017.

Elizabeth A. Fowler,

Deputy Director for Management Operations, Indian Health Service.

[FR Doc. 2017–08775 Filed 4–28–17; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; 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 Cancer Institute Special Emphasis Panel; IMAT R21 Review.

Date: May 17, 2017.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W114, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Jeffrey E. DeClue, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W114, Bethesda, MD 20892–9750, 240–276–6371, *decluej@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; IMAT R33 Review.

Date: May 18, 2017.

Time: 11:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W114, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Jeffrey E. DeClue, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W114, Bethesda, MD 20892–9750, 240–276–6371, *decluej@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Clinical and Translational R21 & Omnibus R03: SEP–2.

Date: June 5, 2017.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Arlington Gateway Hotel, 801 N. Glebe Road, Arlington, VA 22203.

Contact Person: Robert S. Coyne, Ph.D., Scientific Review Officer, Special Review Branch Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W236, Bethesda, MD 20892–9750, 240–276–5120, *robert.coyne@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Program Project I (P01).

Date: June 7–8, 2017.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: Sanita Bharti, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W618, Bethesda, MD 20892–9750, 240–276–5909, *sanitab@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Clinical and Translational R21 & Omnibus R03: SEP 6.

Date: June 13–14, 2017.

Time: 8:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Hasan Siddiqui, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W240, Bethesda, MD 20892–9750, 240–276–5122, *hasan.siddiqui@nih.gov.*

Name of Committee: National Cancer Institute, Initial Review Group; Subcommittee F—Institutional Training and Education.

Date: June 13, 2017.

Time: 12:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W606, Bethesda, MD 20892–9750 (Telephone Conference Call).

Contact Person: Timothy C. Meeker, MD, Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W606, Bethesda, MD 20892–9750, 240–276–6464, *meekert@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Youth Enjoy Science (YES).

Date: June 21, 2017.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W530, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Shamala K. Srinivas, Ph.D., Scientific Review Officer, Office of Referral, Review, and Program Coordination, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W530, Bethesda, MD 20892–9750, 240–276–6430, *shamala@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Canine Immunotherapy Trials RFA CA–17–001 (U01) & RFA CA–17–002 (U24).

Date: June 22, 2017.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 1E030, Bethesda, MD 20892–9750 (Telephone Conference Call).

Contact Person: Caterina Bianco, MD, Ph.D., Acting Chief, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W110, Bethesda, MD 20892–9750, 240–276–6459, *biancoc@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI R01 Meeting Teleconference.

Date: June 22, 2017.

Time: 11:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W618, Bethesda, MD 20892–9750 (Telephone Conference Call).

Contact Person: Sanita Bharti, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W618, Bethesda, MD 20892–9750, 240–276–5909, *sanitab@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; PDAC U01 Review.

Date: June 26, 2017.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W126, Bethesda, MD 20892–9750 (Telephone Conference Call).

Contact Person: Caron A. Lyman, Ph.D., Scientific Review Officer, Research Program Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W126, Bethesda, MD 20892–9750, 240–276–6348, *lymanc@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI R03 & Clinical and Translational R21: SEP–7.

Date: June 28–29, 2017.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel and Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Beyeong-Chul Lee, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W238, Bethesda, MD 20892–9750, 240–276–7755, *byeong-chel.lee@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; CIMAC and CIDC U24 Review.

Date: July 13, 2017.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W030, Bethesda, MD 20892–9750, (Telephone Conference Call).

Contact Person: Majed Hamawy, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W120, Bethesda, MD 20892–9750, 240–276–6457, *mh101v@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 25, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–08704 Filed 4–28–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request; Generic Clearance for Surveys of Customers and Partners of the Office of Extramural Research of the National Institutes of Health

AGENCY: National Institutes of Health, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on February 16, 2017, and allowed 60-days for public comment. No public

comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this application.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments or contact: Dr. Paula Y. Goodwin, Special Assistant to the Director, Office of Extramural Programs, OER, NIH, 6705 Rockledge Drive, Suite 350, Bethesda, MD 20892, or call non-toll-free number (301) 496–9232 or Email your request, including your address to: *OEPMailbox@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: The Office of Extramural Programs (OEP), Office of Extramural Research (OER), National Institutes of Health (NIH), may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the NIH has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below.

Proposed collection: Generic Clearance for Surveys of Customers and Partners of the Office of Extramural Research of the National Institutes of Health—0925–0627—Reinstatement without change—Office of the Director (OD), Office of Extramural Research (OER), Office of Extramural Programs (OEP), National Institutes of Health (NIH).

Need and Use of Information Collection: OER develops, coordinates the implementation of, and evaluates NIH-wide policies and procedures for the award of extramural funds. To move forward with our initiatives to ensure success in accomplishing the NIH mission, input from partners and customers is essential. Quality management principles have been integrated into OER's culture and these surveys will provide customer satisfaction input on various elements of OER's business processes. The approximately 14 (10 quantitative and 4 qualitative) customer satisfaction surveys that will be conducted under this generic clearance will gather and measure customer and partner satisfaction with OER processes and operations. The data collected from these surveys will provide the feedback to track and gauge satisfaction with NIH's statutorily mandated operations and processes. OER/OD/NIH will present data and outcomes from these surveys to inform the NIH staff, officers, leadership, advisory committees, and other decision-making bodies as appropriate. Based on feedback from these stakeholders, OER/OD/NIH will formulate improvement plans and take action when necessary.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 1911.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Number of respondents	Frequency of response	Average time per response (in hours)	Annual hours of burden per survey
Quantitative survey				
Science professionals—applicants, reviewers, Institutional Officials	1500	1	20/60	500
Adult science trainees	1000	1	20/60	333
General public	2500	1	20/60	833
Totals	5,000	5000		1,666
Qualitative survey				
Science professionals—applicants, reviewers, Institutional Officials	200	1	1	200
Adult science trainees	25	1	1	25
General public	20	1	1	20
Totals	245	245		245

Dated: April 26, 2017.

Lawrence A. Tabak,

Deputy Director, National Institutes of Health.

[FR Doc. 2017–08773 Filed 4–28–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Establishment of the Interdepartmental Serious Mental Illness Coordinating Committee (ISMICC)

AGENCY: Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.

ACTION: Notice of Establishment of the Interdepartmental Serious Mental Illness Coordinating Committee (ISMICC).

SUMMARY: The Secretary of Health and Human Services (Secretary), in accordance with section 6031 of the 21st Century Cures Act, announces the establishment of the Interdepartmental Serious Mental Illness Coordinating Committee (ISMICC). The Secretary designated the Assistant Secretary for

Mental Health and Substance Use as Chair of the ISMICC. This ISMICC will consist of federal members listed below or their designees and non-federal public members.

DATES: Established March 15, 2017.

FOR FURTHER INFORMATION CONTACT: Pamela Foote, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, 14E53C, Rockville, MD 20857; telephone: 240–276–1279; email: *pamela.foote@samhsa.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background and Authority

The ISMICC is established in accordance with section 6031 of the 21st Century Cures Act, and the Federal Advisory Committee Act, 5 U.S.C. App., as amended, to report to the Secretary, Congress, and any other relevant federal department or agency on advances in serious mental illness (SMI) and serious emotional disturbance (SED), research related to the prevention of, diagnosis of, intervention in, and treatment and recovery of SMIs, SEDs, and advances in access to services and support for adults with SMI or children with SED. The Secretary designated the Assistant Secretary for Mental Health and Substance Use as Chair of the ISMICC. In addition, the ISMICC will evaluate the effect federal programs related to serious mental illness have on public health, including public health outcomes such as (A) rates of suicide, suicide attempts, incidence and prevalence of SMIs, SEDs, and substance use disorders, overdose, overdose deaths, emergency hospitalizations, emergency room boarding, preventable emergency room visits, interaction with the criminal justice system, homelessness, and unemployment; (B) increased rates of employment and enrollment in educational and vocational programs; (C) quality of mental and substance use disorders treatment services; or (D) any other criteria as may be determined by the Secretary. Finally, the ISMICC will make specific recommendations for actions that agencies can take to better coordinate the administration of mental health services for adults with SMI or children with SED. Not later than 1(one) year after the date of enactment of the 21st Century Cures Act, and 5 (five) years after such date of enactment, the ISMICC shall submit a report to Congress and any other relevant federal department or agency.

II. Structure, Membership, and Operation

This ISMICC will consist of federal members listed below or their designees and non-federal public members.

Federal Membership: The ISMICC will be composed of the following federal members or their designees:

- The Secretary;
- The Assistant Secretary for Mental Health and Substance Use;
- The Attorney General;
- The Secretary of the Department of Veterans Affairs;
- The Secretary of the Department of Defense;
- The Secretary of the Department of Housing and Urban Development;
- The Secretary of the Department of Education;
- The Secretary of the Department of Labor;
- The Administrator of the Centers for Medicare and Medicaid Services; and
- The Commissioner of the Social Security Administration.

Non-federal Membership: The ISMICC shall also include not less than 14 non-federal public members appointed by the Secretary of which:

- At least two individuals who have received treatment for a diagnosis of a SMI;
- A parent or legal guardian of an adult with a history of SMI or a child with a history of SED;
- A representative of a leading research, advocacy, or service organization for adults with SMI;
- At least two members who are one of the following:
  - A licensed psychiatrist with experience treating SMI;
  - A licensed psychologist with experience in treating SMI or SED;
  - A licensed clinical social worker with experience treating SMIs or SEDs; or
  - A licensed psychiatric nurse, nurse practitioner, or physician's assistant with experience in treating SMIs or SEDs.
- A licensed mental health professional with a specialty in treating children and adolescents with a SED;
- A mental health professional who has research or clinical mental health experience in working with minorities;
- A mental health professional who has research or clinical mental health experience in working with medically underserved populations;
- A state certified mental health peer support specialist;
- A judge with experience in adjudicating cases related to criminal justice or SMI;
- A law enforcement officer or corrections officer with extensive experience in interfacing with adults with a SMI, children with SED, or individuals in a mental health crisis; and
- An individual with experience providing services for homeless individuals and working with adults with SMI, children with a SED, or individuals in a mental health crisis.

The term of office of a non-federal member of the ISMICC shall be for three years, subject to reappointment to serve for one or more additional three year terms. If a vacancy occurs in the ISMICC among the members, the Secretary shall make an appointment to fill such vacancy within 90 days from the date the vacancy occurs. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term. A member may serve after the expiration of the member's term until a successor has been appointed. Initial appointments shall be made in such a manner as to ensure that the terms of the members not all expire in the same year. The ISMICC is required to meet twice per year. The Substance Abuse and Mental Health Services Administration shall provide orientation and training for new members of the ISMICC for their effective participation in the functions of the ISMICC.

A separate **Federal Register** Notice will be posted to solicit nominations for the non-federal members of the ISMICC.

Dated: April 13, 2017.

Carlos Castillo,

Committee Management Officer, SAMHSA.

[FR Doc. 2017–08703 Filed 4–28–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines

for Federal Workplace Drug Testing Programs (Mandatory Guidelines).

A notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at *http://www.samhsa.gov/workplace.*

FOR FURTHER INFORMATION CONTACT: Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N03A, Rockville, Maryland 20857; 240–276–2600 (voice).

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); and on April 30, 2010 (75 FR 22809).

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71. The ''Mandatory Guidelines for Federal Workplace Drug Testing Programs,'' as amended in the revisions listed above, requires strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated November 25, 2008 (73 FR 71858), the following HHS-certified laboratories and IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

HHS-Certified Instrumented Initial Testing Facilities

Dynacare, 6628 50th Street NW., Edmonton, AB Canada T6B 2N7, 780–784–1190, (Formerly: Gamma-Dynacare Medical Laboratories).

HHS-Certified Laboratories

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 844–486–9226.

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615–255–2400, (Formerly: Aegis Sciences Corporation, Aegis Analytical Laboratories, Inc., Aegis Analytical Laboratories).

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823, (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.).

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.).

Baptist Medical Center-Toxicology Laboratory, 11401 I–30, Little Rock, AR 72209–7056, 501–202–2783, (Formerly: Forensic Toxicology Laboratory Baptist Medical Center).

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917.

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890.

Dynacare*, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630, (Formerly: Gamma-Dynacare Medical Laboratories).

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609.

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387.

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986, (Formerly: Roche Biomedical Laboratories, Inc.).

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group).

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center).

LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.).

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244.

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295.

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088, Testing for Veterans Affairs (VA) Employees Only.

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515.

One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888–747–3774, (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory).

Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory).

Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509–755–8991/800–541–7891x7.

Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840.

Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084, 800–729–6432, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories).

Quest Diagnostics Incorporated, 8401 Fallbrook Ave., West Hills, CA 91304,

818–737–6370, (Formerly: SmithKline Beecham Clinical Laboratories).
Redwood Toxicology Laboratory, 3700 Westwind Blvd., Santa Rosa, CA 95403, 800–255–2159.
STERLING Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800–442–0438.
US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085, Testing for Department of Defense (DoD) Employees Only.

*The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on November 25, 2008 (73 FR 71858). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Charles LoDico,

Chemist.

[FR Doc. 2017–08712 Filed 4–28–17; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0316]

Merchant Marine Personnel Advisory Committee

AGENCY: Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee teleconference meeting.

SUMMARY: The Merchant Marine Personnel Advisory Committee will meet via teleconference, to complete the discussions from its March 22–23, 2017, meetings on various issues related to the training and fitness of merchant marine personnel. The teleconference will be open to the public.

DATES: The full Committee is scheduled to meet by teleconference on Tuesday, May 16, 2017, from 11 a.m. until 2 p.m. Eastern Daylight Time. Please note that this teleconference may adjourn early if the Committee has completed its business.

ADDRESSES: To join the teleconference, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to obtain the needed information no later than 5 p.m. on May 10, 2017. The number of teleconference lines is limited and will be available on a first-come, first-served basis. To physically join those participating from U.S. Coast Guard Headquarters, it will be hosted in Room 6K15–15, 2703 Martin Luther King Jr Ave SE., Washington, DC 20593–7509 (*https://www.uscg.mil/baseNCR/pages/visitor_trans.asp*).

Pre-registration Information: Foreign nationals participating physically at the U.S. Coast Guard Headquarters will be required to pre-register no later than 5 p.m. on April 28, 2017, to be admitted to the meeting. U.S. citizen participating physically at the U.S. Coast Guard Headquarters will be required to pre-register no later than 5 p.m. on May 10, 2017, to be admitted to the meeting. To pre-register, contact Lieutenant Junior Grade James Fortin at 202–372–1128 or *james.l.fortin@uscg.mil* with MERPAC in the subject line and provide your name, company, and telephone number; if a foreign national, also provide your country of citizenship, and passport number and expiration date. All attendees will be required to provide a government-issued picture identification card in order to gain admittance to the building.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Alternate Designated Federal Officer as soon as possible using the contact information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Instructions: You are free to submit comments at any time, including orally at the teleconference, but if you want committee members to review your comment before the teleconference, please submit your comments no later than May 10, 2017. We are particularly interested in comments on the issues in the ''Agenda'' section below. You must include ''Department of Homeland Security'' and docket number USCG–2017–0316. Written comments may also be submitted using the Federal eRulemaking Portal at *http://www.regulations.gov.* If you encounter technical difficulties with comment submission, contact the individual in the **FOR FURTHER INFORMATION CONTACT** section of this document. Comments received will be posted without alteration at *http://regulations.gov,* including any personal information provided. You may review the Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

Docket Search: For access to the docket to read documents or comments related to this notice, go to *http://www.regulations.gov,* type USCG–2017–0316 in the Search box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade James Fortin, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee, 2703 Martin Luther King Jr. Ave SE., Stop 7509, Washington, DC 20593–7509, telephone 202–372–1128, fax 202–372–8385 or *james.l.fortin@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 United States Code Appendix.

The Merchant Marine Personnel Advisory Committee was established under authority of section 310 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, codified at Title 46, United States Code, section 8108, and chartered under the provisions of the Federal Advisory Committee Act (Title 5, United States Code, Appendix). The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security through the Commandant of the Coast Guard on matters relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards and other matters as assigned by the Commandant. The Committee shall also review and comment on proposed Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards; may be given special

assignments by the Secretary and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with State or local governments; and shall advise, consult with, and make recommendations reflecting its independent judgment to the Secretary.

Agenda

The agenda for the May 16, 2017, full Committee teleconference meeting is as follows:

(1) Introduction.

(2) Designated Federal Officer announcements.

(3) Roll call of Committee members and determination of a quorum.

(4) New Business.

(a) New task statement, Military Education, Training and Assessment for STCW and National Mariner Endorsements;

(b) New task statement, Review and comment on the ''Guidelines for Issuing Endorsements for Tankerman PIC Restricted to Fuel Transfers on Towing Vessels'' policy letter (CG–MMC Policy Letter No. 01–17);

(c) New task statement, Provide input to MARAD's working group that will examine and assess the size of the pool of U.S. mariners necessary to support the U.S. flag fleet in times of national emergency; and

(d) New task statement, Communication between External Stakeholders and the Mariner Credentialing Program.

(e) New task statement, Fundamental requirement for Officers to read and write in English.

(5) Report summaries and recommendations from the following working groups:

(a) Task Statement 87, Review of policy documents providing guidance on the implementation of the December 24, 2013 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers rulemaking;

(b) Task Statement 95, Recommendations Regarding Training Requirements for Officer Endorsements for Master or Mate (Pilot) of Towing Vessels, except Assistance Towing and Apprentice Mate (Steersman) of Towing Vessels, in Inland Service;

(c) Task Statement 96, Review and comment on the course and program approval requirements including 46 CFR 10.402, 10.403, 10.407 and NVIC 03–14 guidelines for approval of training courses and programs;

(d) Task Statement 97, Develop and recommend the specifications for a Designated Examiner, Qualified Assessor and Designated Medical Examiner online verification tool so that the public, mariners and shipping companies can verify the Designated Examiner, Qualified Assessor and Designated Medical Examiners for Coast Guard approval of individuals to perform the functions of those positions;

(e) New task statement, Military Education, Training and Assessment for STCW and National Mariner Endorsements;

(f) New task statement, Review and comment on the ''Guidelines for Issuing Endorsements for Tankerman PIC Restricted to Fuel Transfers on Towing Vessels'' policy letter (CG–MMC Policy Letter No. 01–17);

(g) New task statement, Provide input to MARAD's working group that will examine and assess the size of the pool of U.S. mariners necessary to support the U.S. flag fleet in times of national emergency; and

(h) New task statement, Communication between External Stakeholders and the Mariner Credentialing Program.

(6) Public comment period.

(7) Discussion of working group recommendations. The Committee will review the information presented on each issue, deliberate on any recommendations presented by the working groups, and approve/formulate recommendations. The Committee will also close any completed tasks. Official action on these recommendations may be taken on this date.

(8) Closing remarks.

(9) Adjournment of meeting.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/merpac* no later than May 10, 2017. Alternatively, you may contact Lieutenant Junior Grade James Fortin as noted in the **FOR FURTHER INFORMATION CONTACT** section above.

Public comments will be limited to three minutes per speaker. Please note that the public comment periods will end following the last call for comments. Please contact Lieutenant Junior Grade James Fortin, listed in the **FOR FURTHER INFORMATION CONTACT** section, to register as a speaker. Please note that the teleconference may adjourn early if the work is completed.

Dated: April 26, 2017.

J.G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2017–08755 Filed 4–28–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

[1651–0003]

Agency Information Collection Activities: Transportation Entry and Manifest of Goods Subject to CBP Inspection and Permit

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted (no later than May 31, 2017 to be assured of consideration).

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information

collection was previously published in the **Federal Register** (82 FR 10496) on February 13, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Transportation Entry and Manifest of Goods Subject to CBP Inspection and Permit

OMB Number: 1651–0003

Form Numbers: CBP Forms 7512 and 7512A

Type of Review: Extension (without change)

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to the information collected.

Affected Public: Businesses

Abstract: CBP Forms 7512 and 7512A are used by carriers and brokers to serve as the manifest and transportation entry for cargo moving under bond within the United States. The data on the form is used by CBP to identify the carrier who initiated the bonded movement and to document merchandise moving in-bond. These forms provide documentation that CBP uses for enforcement, targeting, and protection of revenue. Forms 7512 and 7512A collect information such as the names of the importer and consignee; a description of the merchandise moving in-bond; and the ports of lading and unlading. Various provisions in 19 CFR require the use of these forms including 19 CFR 10.60, 19 CFR 10.61 and 19 CFR part 18. The forms can be found at *http://www.cbp.gov/xp/cgov/toolbox/forms/.*

Estimated Number of Respondents: 6,200.

Estimated Number of Average Responses per Respondent: 871.

Estimated Number of Total Annual Responses: 5,400,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 896,400 hours.

Dated: April 25, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–08674 Filed 4–28–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

Customs and Border Protection

[1651–0036]

Agency Information Collection Activities: Temporary Scientific or Educational Purposes

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted no later than May 31, 2017 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*). This proposed information collection was previously published in the **Federal Register** (82 FR 9751) on February 8, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Declaration of the Ultimate Consignee that Articles were Exported for Temporary Scientific or Educational Purposes.

OMB Number: 1651–0036.

Form Number: None.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: The Declaration of the Ultimate Consignee that Articles were Exported for Temporary Scientific or Educational Purposes is used to document duty free entry under conditions when articles are temporarily exported solely for scientific or educational purposes. This declaration, which is completed by the ultimate consignee and submitted to CBP by the importer or the agent of the importer, is used to assist CBP personnel in determining whether the imported articles should be free of duty. It is provided for under 19 U.S.C. 1202, HTSUS Subheading 9801.00.40, and 19 CFR 10.67(a)(3) which requires a declaration to CBP stating that the articles were sent from the United States solely for temporary scientific or educational use and describing the specific use to which they were put while abroad.

Estimated Number of Respondents: 55.

Estimated Number of Annual Responses per Respondent: 3.

Estimated Number of Total Annual Responses: 165.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 27.

Dated: April 25, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–08677 Filed 4–28–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0129]

Agency Information Collection Activities: Haitian Hemispheric Opportunity Through Partnership Encouragement Act of 2006

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted (no later than May 31, 2017) to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). This proposed information collection was previously published in the **Federal Register** (82 FR 10495) on February 13, 2017, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (''Haiti Hope Act'').

OMB Number: 1651–0129.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours. There is no change to the information being collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: Title V of the Tax Relief and Health Care Act of 2006 amended the Caribbean Basin Economic Recovery Act (CBERA 19 U.S.C. 2701–2707) and authorized the President to extend additional trade benefits to Haiti. This trade program, the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (''Haiti HOPE Act''), provides for duty-free treatment for certain apparel articles and certain wire harness automotive components from Haiti.

Those wishing to claim duty-free treatment under this program must prepare a declaration of compliance which identifies and details the costs of the beneficiary components of production and non-beneficiary components of production to show that the 50% value content requirement was satisfied. The information collected under the Haiti Hope Act is provided for in 19 CFR 10.848.

Estimated Number of Respondents: 8.

Estimated Number of Annual Responses per Respondent: 72.

Estimated Number of Total Annual Responses: 576.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 190.

Dated: April 25, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–08675 Filed 4–28–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[1651–0037]

Agency Information Collection Activities: Entry of Articles for Exhibition

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 60-Day Notice and request for comments; extension of an existing collection of information.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted (no later than June 30, 2017) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice must include the OMB Control Number 1651–0037 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) Email. Submit comments to: *CBP_PRA@cbp.dhs.gov.*

(2) Mail. Submit written comments to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to CBP Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, or via email *CBP_PRA@cbp.dhs.gov.* Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP Web site at *https://www.cbp.gov/.*

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq). Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Entry of Articles for Exhibition.

OMB Number: 1651–0037.

Form Number: None.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: Goods entered for exhibit at fairs, or for constructing, installing, or maintaining foreign exhibits at a fair, may be free of duty under 19 U.S.C. 1752. In order to substantiate that goods qualify for duty-free treatment, the consignee of the merchandise must provide information to CBP about the imported goods, which is specified in 19 CFR 147.11(c).

Estimated Number of Respondents: 50.

Estimated Number of Responses per Respondent: 50.

Estimated Number of Total Annual Responses: 2,500.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 832.

Dated: April 25, 2017.

Seth Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2017–08678 Filed 4–28–17; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No.: FR–6017–N–01]

Federal Housing Administration (FHA): Indefinite Deferral of Implementation of the Small Building Risk Sharing Initiative

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This notice advises the public that HUD is deferring implementation of the Small Building Risk Sharing Program authorized by Section 542(b) of the Housing and Community Development Act of 1992, to facilitate the financing of small multifamily properties.

FOR FURTHER INFORMATION CONTACT: Donald Billingsley, Office of Multifamily Housing Programs, Office of Production, Department of Housing and Urban Development, 451 7th Street SW., Room 6148, Washington, DC 20410; email address *Donald.A.Billingsley@hud.gov* and telephone number (202) 402–7125 (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.

SUPPLEMENTARY INFORMATION: The ''Small Building Risk Sharing Initiative Final Notice'' (Final Notice) was published on July 16, 2015 at 80 FR 42105, following an initial notice published for public comment on November 4, 2013, at 78 FR 66043. The Final Notice announced implementation of an Initiative under the Risk Sharing Program, authorized by Section 542(b) of the Housing and Community Development Act of 1992, to facilitate the financing of small multifamily properties.

While applications were received pursuant to the Final Notice, HUD never implemented the program. In addition, it is not clear whether the program is still needed under current economic conditions. HUD therefore indefinitely defers the applicability of the Final Notice implementing the Small Buildings Risk Sharing Program (the ''Initiative'') under Section 542(b) of the

Housing and Community Development Act of 1992 and will not accept additional applications at this time. HUD may in the future proceed with the program or a revised program; however, HUD would, at a minimum, have to determine the following before proceeding:

(a) If the Initiative is still needed to provide debt financing to small, affordable properties, or whether the availability of long-term, low-cost permanent financing to support small properties has increased substantially since the Initiative was first proposed, specifically through new and expanded federally backed financing programs offered through Fannie Mae and Freddie Mac;

(b) The regulatory requirements and restrictions that would be imposed on property owners/borrowers participating in the Initiative regarding tenant rents and incomes, and whether these requirements would impose unfair and inappropriate economic burden on small property owners who provide affordable market rents but do not otherwise receive a government funded housing subsidy;

(c) Whether existing Federal Housing Administration multifamily lending programs, including the newly expanded Tax Credit Pilot Program which supports new construction and substantial rehabilitation projects, adequately serve the debt financing needs of small properties that support affordable rental housing; and,

(d) If the provisions of the Initiative as published adequately account for HUD's share of risk assumed for loans originated under the Initiative, or need to be modified in a revised Initiative notice.

Dated: April 24, 2017.

Genger Charles,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2017–08721 Filed 4–28–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

[Fund 17XD4523WK; Functional Area: DWK000000.000000; Funds Center: DS10100000]

Secretary's Indian Water Rights Office; Proposed New Information Collection: OMB Control Number 1094–ONEW, Indian Water Rights Settlements: Economic Analysis

AGENCY: Office of the Secretary, Secretary's Indian Water Rights Office.

ACTION: 30-day notice and request for comments.

SUMMARY: The Secretary's Indian Water Rights Office (SIWRO) has submitted an information collection request to the Office of Management and Budget (OMB) to complete a new information collection to identify and track social and economic changes that occur as a result of the implementation of enacted Indian water rights settlements (IWRS).

DATES: The OMB is required to respond to this information collection request within 60 days but may respond after 30 days. For maximum consideration, written comments should be received on or before May 31, 2017.

ADDRESSES: Please submit comments by either fax (202) 395–5806 or email (*OIRA_Submission@omb.eop.gov*) directly to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the Interior. Additionally, please provide a copy of your comments to Rachel Brown, U.S. Department of the Interior, 1849 C Street NW., MS 7069–MIB, Washington, DC 20240, fax 202–208–6970, or by electronic mail to *Rebrown@usbr.gov.* Please mention that your comments concern the Indian Water Rights Settlements: Economic Analysis, OMB Control Number 1093–0NEW.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, any explanatory information and related forms, see the contact information provided in the **ADDRESSES** section above.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act (44 U.S.C. 3501–3521) and OMB regulations at 5 CFR part 1320 provide that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond. In order to obtain and renew an OMB control number, Federal agencies are required to seek public comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d) and 1320.12(a)).

As required at 5 CFR 1320.8(d), the SIWRO published a 60-day notice in the **Federal Register** on October 17, 2016 (81 FR 71528), and the comment period ended December 16, 2016. The SIWRO received no comments. The SIWRO now requests comments on the following subjects:

1. The following are examples of the types of questions that SIWRO may use in the information collection: Was the infrastructure included in the agreement put in place; is the infrastructure functioning as expected; if water leasing is allowed for under the agreement is such leasing taking place, and with whom; what are the perceived benefits to the tribal nations, local communities and other parties to the settlement; to what extent have economic and social benefits been realized from any infrastructure or other arrangements or agreements implemented pursuant to the settlement; are the benefits of the actions taken under the settlement expected to continue in the future; have there been any unintended consequences of the actions taken under the settlement. If commenters would like specific questions asked during the targeted interviews, SIWRO encourages that those questions be submitted as comments on this ICR.

2. Whether the collection of information is necessary for the proper functioning of the SIWRO, including whether the information will have practical utility;

3. The accuracy of the SIWRO's estimate of the burden of collecting the information, including the validity of the methodology and assumptions used;

4. The quality, utility and clarity of the information to be collected; and

5. How to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Please send comments as directed under **ADDRESSES** and **DATES**. Please refer to OMB control number 1093–ONEW in your correspondence. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The following information pertains to this request:

Title: Indian Water Rights Settlements: Economic Analysis.

Form: None.

OMB Control Number: None.

Abstract: The Secretary's Indian Water Rights Office (SIWRO) is tasked with overseeing and coordinating the Federal Government's Indian water rights settlement program and is undertaking a study on the economic outcomes associated with Indian water rights settlements. The purpose of the study is to identify and track social and economic changes that occur as a result of the implementation of enacted settlements. The Office of Indian Water Rights is located within the Secretary's

Office. The Office leads, coordinates, and manages the Department's Indian water rights settlement program (109 Departmental Manual 1.3.E(2)).

Indian reserved water rights are vested property rights for which the United States has a trust responsibility, with the United States holding legal title to such water in trust for the benefit of Indian tribes. Federal policy supports the resolution of disputes regarding Indian water rights through negotiated settlements. Settlement of Indian water rights disputes breaks down barriers and helps create conditions that improve water resources management by providing certainty as to the rights of all water users who are parties to the disputes. At a time of increasing competition for Federal funds, it is important to quantify and describe the economic impacts and net benefits of the implementation of enacted Indian water rights settlements.

Frequency: One time.

Description of Respondents: State, Local & Tribal Governments as well as some Private Sector entities.

Estimated Number of Responses Annually: 60.

Estimated Reporting and Recordkeeping ''Hour'' Burden Annually: 164.

Estimated Reporting and Recordkeeping ''Non-Hour Cost'' Burden Annually: None.

The estimated burdens are itemized in the following table:

A. Type of response	B. Number of responses	C. Hours per response	D. Total hours (column B × column C)
Interview and data sharing	60	2.73	164

Jeffrey M. Parrillo,

Department of the Interior, Departmental Information Collection Clearance Lead.

[FR Doc. 2017–08747 Filed 4–28–17; 8:45 am]

BILLING CODE 4334–63P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–480 and 731–TA–1188 (Review)]

High Pressure Steel Cylinders from China; Institution of Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping and countervailing duty orders on high pressure steel cylinders from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Effective May 1, 2017. To be assured of consideration, the deadline for responses is May 31, 2017. Comments on the adequacy of responses may be filed with the Commission by July 13, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On June 21, 2012, the Department of Commerce issued antidumping and countervailing duty orders on imports of high pressure steel cylinders from China (77 FR 37377 and 37384). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR parts 201, Subparts A and B and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.

(2) The *Subject Country* in these reviews is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determinations, the Commission defined a single *Domestic Like Product* to consist of high pressure steel cylinders coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission found a single *Domestic Industry* consisting of Norris Cylinder Company, the sole U.S. producer of high pressure steel cylinders.

(5) The *Order Date* is the date that the antidumping and countervailing duty orders under review became effective. In these reviews, the *Order Date* is June 21, 2012.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the

Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 31, 2017. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is July 13, 2017. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117 0016/USITC No. 17–5–385, expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

Information to be provided in response to this notice of institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandi*se, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping and countervailing duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section

771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date.*

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2016, except as noted (report quantity data in units and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in units and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in units and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* since the *Order Date,* and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) *(Optional)* A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: April 24, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–08509 Filed 4–28–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–503]

Earned Import Allowance Program: Evaluation of the Effectiveness of the Program for Certain Apparel From the Dominican Republic, Eighth Annual Review

AGENCY: United States International Trade Commission.

ACTION: Notice of opportunity to provide written comments in connection with the Commission's eighth annual review.

SUMMARY: The U.S. International Trade Commission (Commission) has announced its schedule, including deadlines for filing written submissions, in connection with the preparation of its eighth annual review in investigation No. 332–503, *Earned Import Allowance Program: Evaluation of the Effectiveness of the Program for Certain Apparel from the Dominican Republic, Eighth Annual Review.*

DATES: June 30, 2017: Deadline for filing written submissions. September 28, 2017: Transmittal of eighth report to House Committee on Ways and Means and Senate Committee on Finance.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the United States International Trade Commission Building, 500 E Street SW., Washington, DC. All written submissions, including statements, and briefs, should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public file for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Project Leader Laura Rodriguez (202–205–3499 or *laura.rodriguez@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov).* Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Web site *(https://www.usitc.gov).* Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: Section 404 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (DR–CAFTA Act) (19 U.S.C. 4112) required the Secretary of Commerce to establish an Earned Import Allowance Program (EIAP) and directed the Commission to conduct annual reviews of the program to evaluate its effectiveness and make recommendations for improvements. Section 404 of the DR–CAFTA Act authorizes certain apparel articles wholly assembled in an eligible country to enter the United States free of duty if accompanied by a certificate that shows evidence of the purchase of certain U.S. fabric. The term ''eligible country'' is defined to mean the Dominican Republic. More specifically, the program allows producers (in the Dominican Republic) that purchase a certain quantity of qualifying U.S. fabric to produce certain cotton bottoms in the Dominican Republic to receive a credit that can be used to ship a certain quantity of eligible apparel using third-country fabrics from the Dominican Republic to the United States free of duty.

Section 404(d) directs the Commission to conduct an annual review of the program to evaluate the effectiveness of the program and make recommendations for improvements. The Commission is required to submit its reports containing the results of its reviews to the House Committee on Ways and Means and the Senate Committee on Finance. Copies of the Commission's first seven annual reviews are available on the Commission's Web site at *www.usitc.gov,* including the seventh annual review, which was published on July 29, 2016 (ITC Publication 4626). The Commission expects to submit its report on its eighth annual review by September 28, 2017.

The Commission instituted this investigation pursuant to section 332(g) of the Tariff Act of 1930 to facilitate docketing of submissions and also to facilitate public access to Commission records through the Commission's EDIS electronic records system.

Written submissions: Interested parties are invited to file written submissions concerning this eighth annual review. All written submissions should be addressed to the Secretary, and all such submissions should be received no later than 5:15 p.m., June 30, 2017. All written submissions must conform to the provisions of section 201.8 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. eastern time on the next business day. If confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraphs for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802).

Confidential business information: Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

The Commission will not include any confidential business information in the report that it sends to the Committees or makes available to the public. However, all information, including confidential business information, submitted in this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel for cybersecurity purposes. The Commission will not otherwise disclose any confidential business information in a manner that would reveal the operations of the firm supplying the information.

Written submissions: The Commission intends to publish the written submissions of interested persons in an appendix to its report. Persons wishing to have a summary of their position included in the appendix should include a summary with their written submission. The summary may not exceed 500 words, should be in MSWord format or a format that can be easily converted to MSWord, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. In the appendix the Commission will identify the name of the organization

furnishing the summary, and will include a link to the Commission's Electronic Document Information System (EDIS) where the full written submission can be found.

By order of the Commission.

Issued: April 26, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–08719 Filed 4–28–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–018]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: May 5, 2017 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

Matters to be Considered

1. *Agendas for future meetings:* None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 701–TA–571–572 and 731–TA–1347–1348 (Preliminary) (Biodiesel from Argentina and Indonesia). The Commission is currently scheduled to complete and file its determinations on May 8, 2017; views of the Commission are currently scheduled to be completed and filed on May 15, 2017.
5. Vote in Inv. Nos. 701–TA–561 and 731–TA–1317–1318, 1321–1325, and 1327 (Final) (Carbon and Alloy Steel Cut-to-Length Plate from Austria, Belgium, France, Germany, Italy, Japan, Korea, and Taiwan). The Commission is currently scheduled to complete and file its determination and views of the Commission by May 17, 2017.
6. *Outstanding action jackets:* None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: April 26, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–08886 Filed 4–27–17; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1050]

Certain Dental Ceramics, Products Therefore, and Methods of Making the Same; Notice of Correction Concerning Institution of Investigation; Correction

AGENCY: U.S. International Trade Commission.

ACTION: Correction of notice.

SUMMARY: Correction is made to the April 19, 2017, Notice of Institution of Investigation, which was published on April 25, 2017 (82 FR 19081). The Notice incorrectly states under the section *Scope of Investigation* after subparagraph (4) that ''The Office of Unfair Import Investigations will not participate as a party in this investigation.'' The Office of Unfair Import Investigations will participate as a party in this investigation.

Issued: April 25, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–08679 Filed 4–28–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1051]

Certain LTE Wireless Communication Devices and Components Thereof Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 27, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of LG Electronics, Inc. of the Republic of Korea; LG Electronics Alabama, Inc. of Huntsville Alabama; and LG Electronics MobileComm U.S.A., Inc. of Englewood Cliffs, New Jersey. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain LTE wireless communication devices and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,916,714 (''the '714 patent''); U.S. Patent No. 8,107,456 (''the '456 patent''); U.S. Patent No. 9,191,173 (''the '173 patent''); U.S. Patent No. 9,225,572 (''the '572 patent''); and U.S. Patent No. 8,891,560 (''the '560 patent''). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone (202) 205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2560.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2016).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 24, 2017, *Ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain LTE wireless communication devices and components thereof by reason of infringement of one or more of claims 1–3 and 7–9 of the '714 patent; claims 1–4, 7, 10–13, and 16 of the '456 patent; claims 1, 2, 4, 11, 12, and 14 of the '173 patent; claims 1–3, 5–9, 11–14, and 16–19 of the '572 patent; and claims 1–6 of the '560 patent, and whether an industry in the United States exists as

required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

LG Electronics, Inc., LG Twin Towers, 128 Yeoui-daero, Yeongdungpo-gu, Seoul, 07336, Republic of Korea.

LG Electronics Alabama, Inc., 201 James Record Road, Huntsville, AL 35824.

LG Electronics MobileComm U.S.A., Inc., 1000 Sylvan Avenue, Englewood Cliffs, NJ 07632.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

BLU Products, Inc., 10814 NW 33rd Street, Doral, FL 33172.

CT Miami, LLC, 10814 NW 33rd Street, Doral, FL 33172.

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Suite 401, Washington, DC 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: April 26, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–08718 Filed 4–28–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–860 (Third Review)]

Tin- and Chromium-Coated Steel Sheet From Japan; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping duty order on tin- and chromium-coated steel sheet from Japan would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Effective May 1, 2017. To be assured of consideration, the deadline for responses is May 31, 2017. Comments on the adequacy of responses may be filed with the Commission by July 13, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On August 28, 2000, the Department of Commerce issued an antidumping duty order on imports of tin- and chromium-coated steel sheet from Japan (65 FR 52067). Following the first five-year reviews by Commerce and the Commission, effective July 21, 2006, Commerce issued a continuation of the antidumping duty order on imports of tin- and chromium-coated steel sheet from Japan (71 FR 41422). Following the second five-year reviews by Commerce and the Commission, effective June 12, 2012, Commerce issued a continuation of the antidumping duty order on imports of tin- and chromium-coated steel sheet from Japan (77 FR 34938). The Commission is now conducting a third review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR parts 201, subparts A and B and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is Japan.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination and its full first and second five-year review determinations, the Commission defined the *Domestic Like Product* as tin- and chromium-coated steel sheet corresponding to Commerce's definition of the scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like*

Product constitutes a major proportion of the total domestic production of the product. In its original determination and its full first and second five-year review determinations, the Commission defined the *Domestic Industry* as all domestic producers of tin- and chromium-coated steel sheet.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 31, 2017. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is July 13, 2017. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://edis.usitc.gov*, elaborates upon the Commission's rules with respect to electronic filing. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117 0016/USITC No. 17–5–386, expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information To Be Provided in Response to This Notice of Institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise,* a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a

union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2011.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2016, except as noted (report quantity data in short tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in short tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in short tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2011, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (Optional) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the

Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: April 24, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–08507 Filed 4–28–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–891 (Third Review)]

Foundry Coke From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping duty order on foundry coke from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Effective May 1, 2017. To be assured of consideration, the deadline for responses is May 31, 2017. Comments on the adequacy of responses may be filed with the Commission by July 13, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On September 17, 2001, the Department of Commerce issued an antidumping duty order on imports of foundry coke (66 FR 48025). Following first five-year reviews by Commerce and the Commission, effective January 10, 2007, Commerce issued a continuation of the antidumping duty order on imports of foundry coke from China (72 FR 1214). Following the second five-year reviews by Commerce and the Commission, effective June 8, 2012, Commerce issued a continuation of the antidumping duty order on imports of foundry coke from China (77 FR 34012). The Commission is now conducting a third review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR parts 201, subparts A and B and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by the Department of Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination and its expedited first and second five-year review determinations, the Commission defined the *Domestic Like Product* as foundry coke, coextensive with the scope definition.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination and its expedited first and second five-year review determinations, the Commission defined the *Domestic Industry* as all domestic producers of foundry coke.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Carol McCue Verratti, Deputy Agency Ethics Official, at 202–205–3088.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A

separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is May 31, 2017. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is July 13, 2017. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

No response to this request for information is required if a currently valid Office of Management and Budget (OMB) number is not displayed; the OMB number is 3117 0016/USITC No. 17–5–384, expiration date June 30, 2017. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information To Be Provided in Response to This Notice of Institution.—As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandi*se, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2010.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2016, except as noted (report quantity data in metric tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in metric tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in metric tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2010, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: April 24, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–08508 Filed 4–28–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Cooperative Research Group on Hedge IV

Notice is hereby given that, on March 29, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Southwest Research Institute—Cooperative Research Group on HEDGE IV (''HEDGE IV'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Honda R&D Americas, Raymond, OH, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and HEDGE IV intends to file additional written notifications disclosing all changes in membership.

On February 14, 2017, HEDGE IV filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 27, 2017 (80 FR 15238).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–08693 Filed 4–28–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Integrated Photonics Institute for Manufacturing Innovation Operating Under the Name of the American Institute for Manufacturing Integrated Photonics

Notice is hereby given that, on March 22, 2017, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Integrated Photonics Institute for Manufacturing Innovation operating under the name of the American Institute for Manufacturing Integrated Photonics (''AIM Photonics'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, International Business Machines, Yorktown Heights, NY; Mentor Graphics Corporation, Wilsonville, OR; Keysight Technologies, Inc., Santa Rosa, CA; Analog Photonics, LLC, Boston, MA; Coventor, Inc., Cary, NC; Trustees of Boston University, Boston, MA; Georgia Tech Research Corporation, Atlanta, GA; The University of Tulsa, Tulsa, OK; University of Massachusetts Lowell, Lowell, MA; University of Delaware, Newark, DE; PricewaterhouseCoopers, LLC, Rochester, NY; and ESL Federal Credit Union, Rochester, NY have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AIM Photonics intends to file additional written notifications disclosing all changes in membership.

On June 16, 2016, AIM Photonics filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 25, 2016 (81 FR 48450).

The last notification was filed with the Department on December 23, 2016. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 31, 2017 (82 FR 8857).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2017–08694 Filed 4–28–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Proposed Exemption From Certain Prohibited Transaction Restrictions

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). This notice includes the following proposed exemption: D–11845, Rosetree & Company 401(k) Plan and Trust.

DATES: All interested persons are invited to submit written comments or requests for a hearing on the pending exemption within May 31, 2017.

ADDRESSES: Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

All written comments and requests for a hearing (at least three copies) should be sent to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, U.S. Department of Labor, 200 Constitution Avenue NW., Suite 400, Washington, DC 20210. Attention: Application No. ____, stated in each Notice of Proposed Exemption. Interested persons are also invited to submit comments and/or hearing requests to EBSA via email or FAX. Any such comments or requests should be sent either by email to: *moffitt.betty@dol.gov,* or by FAX to (202) 693–8474 by the end of the scheduled comment period. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1515, 200 Constitution Avenue NW., Washington, DC 20210.

Warning: All comments will be made available to the public. Do not include any personally identifiable information (such as Social Security number, name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines.

SUPPLEMENTARY INFORMATION:

The proposed exemption was requested in an application filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011).[1] Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of proposed exemption is issued solely by the Department.

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Rosetree & Company 401(k) Plan and Trust (the Plan)

Located in Skokie, IL

[Application No. D–11845]

PROPOSED EXEMPTION

Based on the facts and representations set forth in the application, the Department is considering granting an exemption under section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (76 FR 66637, 66644, October 27, 2011).

SECTION I. *COVERED TRANSACTION*

If the proposed exemption is granted, the sanctions resulting from the application of section 4975(c)(1)(B) of the Code, shall not apply to the proposed guarantee (the Guarantee) by

[1] The Department has considered exemption applications received prior to December 27, 2011 under the exemption procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990).

Richard Rosenbaum (Mr. Rosenbaum), the Plan trustee, a disqualified person with respect to the Plan, of: (1) a loan (the Loan) made by the Great Lakes Credit Union (GLCU), an unrelated third party lender, to Kurtson Realty, LLC (Kurtson), a real estate company that is wholly owned by the Plan; [2] and (2) a future Loan made by an unrelated third party lender (hereinafter, GLCU and any third party lender is referred to as a ''Lender'') to Kurtson, provided that the general conditions that are set forth below in Section II are met.

SECTION II. *GENERAL CONDITIONS*

(a) The Loan is made for purposes of the Plan acquiring and rehabilitating investment property from an unrelated third party through Kurtson;

(b) The Loan is made on commercially reasonable terms;

(c) The debt service and value to loan ratio for the Loan, and for any future Loan, are based primarily on the characteristics of the property serving as collateral for such Loan (the Collateral Property);

(d) The Lender and the Loan servicer (the Loan Servicer) are unrelated to Mr. Rosenbaum and the Plan;

(e) The Lender has a pre-existing Loan service arrangement with the Loan Servicer, and maintains this relationship for the duration of the Loan;

(f) Mr. Rosenbaum does not receive any compensation or derive any personal benefit from the Collateral Property;

(g) For the duration of the Loan or any future Loan, the Collateral Property is not used by or leased to: (1) any other disqualified persons with respect to the Plan; (2) Rosetree or any affiliate of Rosetree; or (3) any person or entity in which Mr. Rosenbaum may have an interest that would affect his best judgment as a Plan fiduciary;

(h) The Guarantee is a condition that is: (1) customarily required in similar transactions between Kurtson and the Lender, and is not unique to the Loan or to the specific parties to the Loan; and (2) solely due to a regulatory requirement of the National Credit Union Administration that is imposed upon credit unions, including GLCU;

(i) If the Plan defaults on a Loan, Mr. Rosenbaum pays the balance of such Loan, and has no recourse against the Plan for repayment;

(j) No interest or any fee is charged to Kurtson or the Plan in connection with the Guarantee; and

(k) The Guarantee is not part of an agreement, arrangement, or understanding in which Mr. Rosenbaum causes the assets of the Plan to be used in a manner that is designed to benefit himself or any person who has an interest which would affect the exercise of Mr. Rosenbaum's best judgment as a fiduciary of the Plan.

SUMMARY OF FACTS AND REPRESENTATIONS [3]

The Parties

1. The Plan is a 401(k) Plan sponsored by Rosetree, a licensed CPA firm, insurance agency, and registered investment adviser. Mr. Rosenbaum (the Applicant) is the sole shareholder and employee of Rosetree. He performs all of Rosetree's operations and receives periodic compensation. Mr. Rosenbaum is also the sole participant in the Plan, as well as the Plan administrator and trustee. As of March 31, 2016, the Plan had approximately $480,000 in total assets.

2. Kurtson is a real estate operating company that is wholly owned by the Plan. Kurtson currently owns three investment properties, including a 3-unit apartment building located at 1842 S. Drake, Chicago, Illinois (the Collateral Property), which is rented to unrelated parties. Mr. Rosenbaum performs administrative duties for Kurtson, but he receives no compensation for his services.

3. The Plan contemplates entering into a Loan from GLCU, a credit union based in Bannockburn, Illinois. As of December 31, 2015, GLCU had $719 million in assets.

4. Spectrum Business Resources, LLC (Spectrum) is GLCU's loan servicing agent in Lisle, Illinois. As the Loan Servicer for several member credit unions, Spectrum identifies potential borrowers, prepares loan write-ups for the credit union loan committees, prepares loan documents and maintains correspondence and relationships with the borrowers. Both GLCU and Spectrum are unrelated to the Plan and Mr. Rosenbaum.[4]

The Loans

5. Kurtson seeks an initial Loan from GLCU in order to acquire and rehabilitate a new investment property that will serve as the Collateral Property for the Loan. A Loan proposal (the Loan Proposal) from Spectrum, which specifies the terms and conditions under which the requested financing will be provided to Kurtson, states that ''GLCU will provide up to a $90,000, secured, guaranteed commercial mortgage on the [Collateral Property], [which will require] 60 monthly payments of principal and interest through maturity in 5 years, based on a 20-year amortization schedule, at a 5.95% fixed interest rate.'' The Loan Proposal also provides that ''the Loan amount will not exceed 75% of the appraised value of the [Collateral Property].''

6. In addition to the Collateral Property, the collateral for the Loan will consist of an assignment of rents on the Collateral Property by Kurtson to GLCU. Other terms of the Loan Proposal require an appraisal of the Collateral Property prior to the formal approval of such Loan, to confirm a minimum market value of $120,000. Further, pursuant to credit union regulations, the Loan will require a written Guarantee from Mr. Rosenbaum.[5]

7. With respect to fees and other expenses associated with the Loan, the Applicant represents that there will be a processing fee of $250. In addition, Kurtson will be required to reimburse GLCU for all costs associated with the transaction, including but not limited to attorney's fees, appraisal fees, recording fees, title insurance costs, survey costs, searches, documentation fees, and any other costs and fees associated with the transaction. The Loan will not have any prepayment penalties.

Although the Loan Proposal allows for a Loan amount of up to $90,000, Kurtson will obtain a Loan for $80,000, resulting in a value to loan ratio of 150%. The Loan would represent approximately 14.29% of the Plan's assets.

8. The Applicant anticipates that the Plan will engage in additional Loans of a similar nature in the future. Accordingly, Kurtson will obtain all future Loans from the Lender under similar, commercially-reasonable terms, subject to changes in market conditions that would affect the interest rate. The debt service and value to loan ratio for the Loan, and for any future Loan, will be based primarily on the characteristics of the Collateral Property.

[2] Because Mr. Rosenbaum is the sole owner of Rosetree & Company, Ltd. (Rosetree), the Plan sponsor, and the only participant in the Plan, there is no jurisdiction under Title I of the Employee Retirement Income Security Act of 1974 (the Act), pursuant to 29 CFR 2510.3–3(b). However, there is jurisdiction under Title II of the Act pursuant to section 4975 of the Code.

[3] The Summary of Facts and Representations is based on the Applicant's representations and does not reflect the views of the Department, unless indicated otherwise.

[4] Mr. Rosenbaum also represents that he has no relationship with any of Spectrum's member credit unions other than as a depositor or borrower.

[5] Mr. Rosenbaum represents that he is also a guarantor of other loans made to entities he controls for transactions that are substantially similar to the proposed exemption transaction. He states that the outstanding loan amounts for which he serves as a guarantor are approximately $767,000 on properties having an appraised value of $1,240,000.

In addition, the Lender and the Loan Servicer will be unrelated to Mr. Rosenbaum and the Plan. Although, the Lender may not have a pre-existing loan service arrangement with the Loan Servicer, it will maintain this relationship with Spectrum for the duration of a Loan. Further, Mr. Rosenbaum will not receive any compensation or derive any personal benefit from the Collateral Property. Finally, the Collateral Property for the Loan or any future Loan, may not be used by or leased to: (a) any other disqualified persons with respect to the Plan; (b) Rosetreee or any affiliate of Rosetree; or (c) any person or entity in which Mr. Rosenbaum may have an interest that would affect his best judgment as a Plan fiduciary.

Appraisal of the Collateral Property

9. The Collateral Property for the initial Loan has been appraised by Steven F. Eggler, a Certified Residential Real Estate Appraiser, of C.A. Benson and Associates, Inc., which is located in La Grange Park, Illinois. Mr. Eggler represents that he has no interest in the Collateral Property and no bias with respect to the participants in the proposed transaction, or with respect to Rosetree, the Plan, or Kurtson. Mr. Eggler also represents that his employment and/or compensation for performing the appraisal or any future appraisals was not conditioned on any agreement or understanding that he would report (or present analysis, supporting), among other things, a predetermined specific value, a predetermined minimum value, a range or direction in value, or a value that favors the cause of any party.

10. In an appraisal report dated September 30, 2014 (the 2014 Appraisal), Mr. Eggler certifies that he developed his opinion of the market value of the Collateral Property based solely on the Sales Comparison and Income Approaches to valuation. As of September 23, 2014, Mr. Eggler placed the fair market value of the Collateral Property at $120,000, under the Sales Comparison Approach, and at $117,000, under the Income Approach. After reconciling both valuations, Mr. Eggler ultimately determined that the Collateral Property was worth $120,000, as of September 30, 2014.

11. In a statement dated May 31, 2016, Charles A. Benson, Jr., SRA of C. A. Benson and Associates, Inc., who was the supervisory appraiser for the 2014 Appraisal, provided an update to the sales data discussed in the 2014 Appraisal, as it applies to the Collateral Property. As noted in the 2014 Appraisal, Mr. Benson represents that the average sale price of a 2–4 unit [in the $100,000–200,000 price range] in the North Lawndale community, where the Collateral Property is located, was $136,171 over the 12-month period prior to the 2014 Appraisal. According to Mr. Benson, in the ensuing 12 month period, the average sale price for properties in the same price range as the Collateral Property was $131,287, which represented a 3.6% decline in value. Mr. Benson also represents that from September 25, 2015 to May 10, 2016, the average sale price of properties that were comparable to the Collateral Property was $137,953. According to Mr. Benson, this amount represents a 1.3% increase from the average sale price noted in the 2014 Appraisal. Mr. Benson explains that this price difference reflects a small decrease in the year after the 2014 Appraisal, followed by an increase to a level that was slightly higher than what was noted in the 2014 Appraisal. Overall, Mr. Benson represents that market conditions in the area have stabilized since the 2014 Appraisal.

The Applicant represents that any investment property used by the Applicant as Collateral Property to support a future Loan will be similarly valued by a qualified, independent appraiser.

Rationale for the Loans

13. Mr. Rosenbaum represents that he is an experienced real estate investor. As a former Partner in charge of the Chicago Real Estate practice of Coopers & Lybrand (now Price Waterhouse Coopers), Mr. Rosenbaum states that he has been a senior executive at other real estate industry entities, and that he personally owns ten properties that are similar to the Collateral Property.

It is Mr. Rosenbaum's opinion that, given the current investment environment, real estate investments of this type provide higher rates of return and less risk than other investments available. Mr. Rosenbaum is also of the view that the proposed Loans will enable the Plan to earn a higher rate of return by investing in an additional property, which would not be obtainable if the exemption request is denied.

The Guarantee

14. As represented above, the Loan Proposal requires Mr. Rosenbaum's Guarantee. Accordingly, the Applicant is requesting an administrative exemption from the Department that will allow Mr. Rosenbaum to provide a Guarantee for the Loan that Kurtson, a wholly-owned entity of the Plan and thus, a Plan asset, is requesting from GLCU, as well as for future Loans from Lenders, which may include GLCU. The proposed Loan will be made on commercially reasonable terms, and both the debt service and value to loan ratios for the Loan from GLCU indicate that the Loan will be based primarily upon the characteristics of the Collateral Property that is being financed for purposes of the Loan. The Applicant represents that, although the Plan is dealing with GLCU, an independent lender, Mr. Rosenbaum is being asked by GLCU to participate as a Loan guarantor. The Applicant represents that the proposed Guarantee is solely due to a regulatory requirement of the National Credit Union Administration [6] that is imposed upon credit unions, including GLCU. Further, the Applicant represents that it is not aware of any other bank or savings institution that makes non-recourse loans at present.[7] The Applicant represents that only insurance companies do not require guarantees, but only for loans over $1 million.

Notwithstanding the regulatory requirement, the Applicant believes that with respect to the Loan, the Collateral Property provides adequate collateral and cash flow to repay the Loan without relying upon Mr. Rosenbaum's personal credit or funds.

No interest or any fee will be charged to Kurtson or the Plan in connection with the Guarantee. In addition, the Guarantee will not be part of an agreement, arrangement, or understanding in which Mr. Rosenbaum causes the assets of the Plan to be used in a manner that is designed to benefit himself or any person who has an interest which would affect the exercise of Mr. Rosenbaum's best judgment as a fiduciary of the Plan.

The Applicant also requests exemptive relief for Mr. Rosenbaum's Guarantee of certain future Loans that may be made to Kurtson by a Lender. As represented above, the debt service and value to loan ratios for all future Loans will be based primarily upon the characteristics of the Collateral Property for the specific Loan.

Legal Analysis

15. Section 4975(c)(1)(B) of the Code prohibits any direct or indirect lending

[6] See 12 CFR 723.7(b)—(''Principals, other than a not for profit organization, as defined by the Internal Revenue Service Code (26 U.S.C. 501) or those where the Regional Director grants a waiver, must provide their personal liability and guarantee.'')

[7] The Applicant represents that prior to 2008, it is aware of only two financial institutions that made non-recourse loans to retirement plans. However, the Applicant explains that both institutions are no longer in business.

of money or other extension of credit between a plan and a disqualified person. Section 4975(e)(2)(A) of the Code defines the term ''disqualified person'' to include a plan fiduciary. Section 4975(e)(3) of the Code defines the term ''fiduciary,'' in part, to include any person who exercises any discretionary authority or discretionary control respecting management of such plan or exercises any authority or control regarding management or disposition of its assets. As Plan trustee, with investment discretion over the assets of the Plan, Mr. Rosenbaum is a fiduciary and therefore, a disqualified person. Thus, in absence of a statutory or administrative exemption, the Guarantee would violate section 4975(c)(1)(B) of the Code.

Statutory Findings

17. The Applicant states that the proposed exemption is administratively feasible in that it covers a specific factual situation that will not require ongoing monitoring by the Department. In addition, the Applicant states that the proposed exemption is in the best interests of the Plan and Mr. Rosenbaum as the sole participant because the Loan will allow the Plan to invest in another property in which the rate of return will be substantially higher for the Plan than investing in traditional assets, such as the stock market, and with less risk.[8]

Further, the Applicant represents that the proposed exemption is protective of the rights of Mr. Rosenbaum as the sole Plan participant because the Loan is made by an unrelated, third party to the Plan and guaranteed by Mr. Rosenbaum in his individual capacity. In addition, the Applicant represents that no interest or fee is charged to Kurtson or the Plan in connection with the Guarantee.

Summary

18. In summary, the Applicant represents that the proposed transaction satisfies the statutory criteria of section 4975(c)(2) of the Code because:

(a) The Loan will be made for purposes of the Plan acquiring and rehabilitating investment property from an unrelated third party through Kurtson;

(b) The Loan will be made on commercially reasonable terms;

(c) The debt service and value to loan ratio for the Loan, and for any future Loan, will be based primarily on the characteristics of the Collateral Property;

(d) The Lender and the Loan Servicer will be unrelated to Mr. Rosenbaum and the Plan;

(e) The Lender will have a pre-existing Loan service arrangement with the Loan Servicer, and will maintain this relationship for the duration of the Loan;

(f) Mr. Rosenbaum will not receive any compensation or derive any personal benefit from the Collateral Property;

(g) For the duration of the Loan or any future Loan, the Collateral Property will not be used by or leased to: (1) any other disqualified persons with respect to the Plan; (2) Rosetree or any affiliate of Rosetree; or (3) any person or entity in whom Mr. Rosenbaum may have an interest that would affect his best judgment as a Plan fiduciary;

(h) The Guarantee will be a condition that is: (1) customarily required in similar transactions between Kurtson and the Lender, and will not be unique to the Loan or to the specific parties to the Loan; and (2) solely due to a regulatory requirement of the National Credit Union Administration that is imposed upon credit unions, including GLCU;

(i) If the Plan defaults on a Loan, Mr. Rosenbaum will pay the balance of each Loan and will have no recourse against the Plan for repayment;

(j) No interest or any fee will be charged to Kurtson or the Plan in connection with the Guarantee; and

(k) The Guarantee will not be part of an agreement, arrangement, or understanding in which Mr. Rosenbaum causes the assets of the Plan to be used in a manner that is designed to benefit himself or any person who has an interest which would affect the exercise of Mr. Rosenbaum's best judgment as a fiduciary of the Plan.

NOTICE TO INTERESTED PERSONS

As Mr. Rosenbaum is the sole participant and beneficiary of the Plan, it has been determined that there is no need to distribute the Notice of Proposed Exemption (Notice) to interested persons. Therefore, comments and requests for a hearing must be received by the Department within thirty (30) days of the publication of this Notice in the **Federal Register**.

All comments will be made available to the public. *Warning:* Do not include any personally identifiable information (such as name, address, or other contact information) or confidential business information that you do not want publicly disclosed. All comments may be posted on the Internet and can be retrieved by most Internet search engines.

FOR FURTHER INFORMATION CONTACT: Ms. Anna Mpras Vaughan of the Department, telephone (202) 693–8565. (This is not a toll-free number.)

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemption, if granted, will be subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction which is the subject of the exemption.

[8] As an example, the Applicant states that the typical property he acquires costs $100,000 to purchase and rehabilitate, which then generates $25,000 annually in cash flow and appraises for $150,000. The Applicant further explains that there is strong demand for apartments that are similar to the Collateral Property, and the rents are generally guaranteed by the Federal Government under the Section 8 Housing Program.

Signed at Washington, DC, this 24th day of April, 2017.

Lyssa E. Hall,

Director, Office of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2017–08687 Filed 4–28–17; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

OSHA Training Institute (OTI) Education Center; Notice of Competition and Request for Applications

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of competition and request for applications for the OSHA Training Institute Education Centers Program.

SUMMARY: This notice announces the opportunity for interested non-profit organizations, including qualifying educational institutions, trade associations, labor unions, and community-based and faith-based organizations that are not an agency of a state or local government to submit applications to become an OSHA Training Institute Education Center and deliver standard classroom instruction on a regional basis. State or local government-supported institutions of higher education are eligible to apply. Eligible organizations can apply independently or in partnership with other eligible organizations, but in such a case, a lead organization must be identified along with a list of any consortium partners. Current OSHA-authorized OSHA Training Institute Education Centers required to renew their status must submit a new application in order to maintain their OSHA Training Institute Education Center status. If the corporate identity of an applicant, or its membership have changed, the new entity must submit an application. Applications will only be accepted during the solicitation period and will be rated on a competitive basis. Complete application instructions are contained in this notice.

This notice also contains information on a proposal conference designed to provide potential applicants with information about the OSHA Training Institute Education Centers Program. The conference will clarify OSHA expectations for OSHA Training Institute Education Centers, courses and methods of instruction, as well as administrative and program requirements for OSHA Training Institute Education Centers and the OSHA Outreach Training Program. Applicants are strongly encouraged to attend the proposal conference.

OSHA will enter into five-year, non-financial cooperative agreements with successful applicants. These authorization agreements are intended solely to facilitate the ongoing monitoring and evaluation of safety training provided by authorized OSHA Training Institute Education Centers. These cooperative agreements will not constitute a grant or financial assistance instrument, and OSHA will provide no compensation to authorized OSHA Training Institute Education Centers. Such non-financial cooperative agreements are renewable, at the Government's sole option, for one five-year period, if the organization has performed satisfactorily during the initial term.

DATES: Applications (three copies) must be received no later than 4:30 p.m. Central Time on June 30, 2017. Requests for extension of this application deadline will not be granted.

A proposal conference will be held on May 17, 2017, at the OSHA Directorate of Training and Education, 2020 South Arlington Heights Rd., Arlington Heights, Illinois 60005–4102. Attendees are required to pre-register for this conference. Specific details are discussed in the Proposal Conference section of this notice.

ADDRESSES: Submit applications (three copies) to the OSHA Directorate of Training and Education, Office of Training Programs and Administration, Attn: James Brock, 2020 South Arlington Heights Rd., Arlington Heights, Illinois 60005–4102.

Applicants selected to be OSHA Training Institute Education Centers must attend a mandatory orientation meeting to be held at the OSHA Directorate of Training and Education, 2020 South Arlington Heights Rd., Arlington Heights, Illinois 60005–4102 at a time and date to be determined.

FOR FURTHER INFORMATION CONTACT: Any questions regarding this opportunity should be directed to: James Brock, OSHA Training Institute Education Centers Program Manager, email address *brock.james.e@dol.gov,* or Annette Braam, Assistant Director, Training Programs, OSHA Directorate of Training and Education, email address *braam.annette@dol.gov.* Both can be reached at: (847) 759–7700.

SUPPLEMENTARY INFORMATION: The **SUPPLEMENTARY INFORMATION** contains details concerning the following:

- Background Information
  - Overview of the OSHA Directorate of Training and Education (DTE)
  - Overview of the OSHA Training Institute (OTI)
  - Overview of the OTI Education Centers Program
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Background Information

Overview of the OSHA Directorate of Training and Education (DTE)

DTE, located in Arlington Heights, Illinois, supports the Agency's mission and performance goals of securing safe and healthy workplaces and increasing workers' voice in the workplace through the development and delivery of training courses and educational programs. The Directorate has three distinct functional areas: the OSHA Training Institute (OTI), the Office of Training Programs and Administration, and the Office of Training Educational Development. The Directorate provides training for federal and state compliance officers and state consultants. The Directorate administers three distinct external training programs including the OSHA Training Institute (OTI) Education Centers Program, the Outreach Training Program, and the Susan Harwood Training Grants Program. The Directorate also develops training and educational materials that support OTI courses and the Agency's compliance assistance initiatives.

Overview of the OSHA Training Institute (OTI)

OTI, located in Arlington Heights, Illinois, is OSHA's primary training provider. OTI conducts over 50 unique course offerings on an annual basis. Training includes job hazard recognition as well as OSHA standards, policies, and procedures for persons responsible for enforcing or directly

supporting the Occupational Safety and Health Act of 1970. The OTI's primary responsibility is to federal and state compliance officers and state consultation program staff. The OTI Education Centers are the primary training providers for private and public sector personnel, and federal personnel from agencies other than OSHA.

Overview of OTI Education Centers Program

The OTI Education Centers are a national network of non-profit organizations authorized by OSHA to deliver occupational safety and health training to private and public sector workers, supervisors, and employers on behalf of OSHA. The OTI Education Centers Program was initiated in 1992 when OSHA began partnering with other training and educational institutions to conduct OSHA courses. The OTI Education Centers Program supports OSHA's training and education mission through a variety of safety and health programs.

OTI Education Center courses include OSHA standards and Outreach Training Program trainer and update courses. The OTI Education Centers offer more than 50 courses on various safety and health topics including recordkeeping, machine guarding, confined space, electrical standards, ergonomics, safety and health management, and fall protection. Information regarding the OTI Education Centers Program background, including a complete list of current organizations, OSHA numbered course offerings, and descriptions can be found on the OSHA Web site at: *http://www.osha.gov/otiec.*

OTI Education Centers are selected through a national competitive process and receive no funding from OSHA; they support their OSHA training through their normal tuition and fee structures. OTI Education Centers are located in all OSHA Regions and work closely with OSHA Regional and Area offices to meet the needs of the regional constituency. OTI Education Centers are encouraged to conduct courses at host site organizations in addition to their own facilities and are required to conduct courses in all states and U.S. territories within their Region. Host site organizations must be non-profit organizations. OTI Education Centers are responsible for authorizing Outreach trainers, processing Outreach trainer card requests, and conducting Outreach trainer monitoring activity for the OSHA Outreach Training Program.

Overview of the OSHA Outreach Training Program

The OSHA Outreach Training Program was established during the early years of the Agency to provide an overview of OSHA and to disseminate basic occupational safety and health workplace hazard information to workers using independent authorized trainers. Courses are intended to provide information on worker rights and employer responsibilities, and focus on work-related hazards. Outreach Training Program courses do not focus on or teach OSHA standards. Workers who complete the construction industry, general industry, maritime industry, or disaster site worker Outreach courses receive OSHA student course completion cards from the authorized trainer who conducted the training. OSHA Outreach Trainers are authorized exclusively through the OTI Education Centers. OTI Education Centers are responsible for administering the Outreach Training Program, including issuing course completion cards to authorized Outreach trainers and conducting monitoring activity such as record audits and training observations.

The Outreach Training Program is a voluntary program. OSHA recommends Outreach Training Program courses as an introduction to occupational safety and health hazard recognition for workers. Although a voluntary program, some cities and states have enacted laws mandating the training. In addition, some employers, unions, organizations, or other jurisdictions may also require this training. Please note that Outreach Training Program courses do not meet specific training requirements contained in OSHA standards. The OSHA Outreach Training Program requirements and procedures contain instructions and information for Outreach Trainers. Among the items addressed in the requirements and procedures are course topic requirements, minimum lengths for course topics, advertising restrictions, records retention, and reporting requirements. OSHA Outreach Training Program requirements and procedures are located at: *http://www.osha.gov/dte/outreach/index.html.*

Organizational Responsibilities

OTI Education Centers Responsibilities

OTI Education Centers are responsible for the following:

(1) Adhere to all OSHA/DTE program requirements, policies, and procedures.

(2) Develop and update course curriculum to support learning objectives determined by OSHA/DTE.

(3) Ensure instructors are qualified in the courses/subjects they will be teaching in accordance with OSHA instructor qualification policies.

(4) Meet annual program goals that include the following:

(a) Conduct a minimum number of courses per month and achieve annual student training goals and objectives as established by OSHA/DTE. Program goals are evaluated and revised on an annual basis. For the federal fiscal year 2017, each OTI Education Center is expected to train 1,700 students annually.

(b) Provide standard classroom instruction training throughout their Region and target underserved areas identified by OSHA/DTE.

(c) Conduct courses on a year-round basis with each required, elective, and short course being offered in accordance with annual program goals. Required, elective, and short courses are subject to change.

(5) Publicize and promote the availability of courses to ensure attendance and the delivery of the scheduled courses.

(6) Register students, provide course materials, and issue course completion certificates to students. This includes:

(a) Ensuring students have met all prerequisites prior to registration.

(b) Collecting and retaining student registration and attendance records in accordance with OSHA/DTE guidelines.

(7) Comply with reporting requirements as identified by OSHA/DTE. This includes:

(a) Providing OSHA/DTE with monthly training summary reports.

(b) Providing OSHA/DTE with training and instructor records for quarterly audits, semi-annual, and annual performance reporting.

(c) Collecting student surveys from students in accordance with OSHA procedures and providing that data to OSHA as requested.

(8) Administer Outreach Training Program activities. This includes:

(a) Distributing student cards to authorized Outreach Training Program trainers.

(b) Monitoring OSHA Outreach trainers including conducting record audits and training observations.

(c) Responding and processing exception requests in accordance with Outreach Training Program requirements.

(9) Attend the semiannual OSHA Training Institute Education Centers Directors' Meetings.

(10) Collaborate with other OTI Education Centers including mandatory participation on project teams and providing financial and personnel

support for OTI Education Center marketing initiatives.

(11) Provide dedicated staff for the program management and administration.

OSHA DTE Responsibilities

DTE is responsible for the following:

(1) Develop program policies, procedures, and requirements.

(2) Provide answers and technical assistance on questions regarding OSHA policy and program requirements.

(3) Provide OTI Education Centers with learning objectives for courses to be presented.

(4) For select courses, provide curriculum and test questions.

(5) Coordinate the development of new OTI Education Center courses.

(6) Monitor the performance of the OTI Education Centers through on-site program visits, conference calls, training observations, and examination of course reports and attendance records.

(7) Coordinate the efforts of the OTI Education Center Program Executive Committee.

(8) Evaluate the effectiveness of the OTI Education Centers and provide each organization with an annual performance appraisal.

(9) Conduct investigations of alleged OTI Education Center non-compliance with the Non-Financial Cooperative Agreement and OSHA policies and procedures.

OSHA Jurisdiction

OSHA is a federal agency within the United States. The Agency covers workers and employers in the 50 United States and certain territories and jurisdictions under federal authority. Those jurisdictions include the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Commonwealth of the Northern Mariana Islands, Wake Island, Johnston Island, and the Outer Continental Shelf Lands as defined in the Outer Continental Shelf Lands Act.

Geographic Distribution

There is currently at least one OTI Education Center in each OSHA Region. However, OSHA may elect to select more than one OTI Education Center in some or all OSHA Regions. The OSHA Regions contain the following states and U.S. territories.

Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Region II: New Jersey, New York, Puerto Rico, and Virgin Islands.

Region III: Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia.

Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Region V: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.

Region VI: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Region VII: Iowa, Kansas, Missouri, and Nebraska.

Region VIII: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

Region IX: American Samoa, Arizona, California, Guam, Hawaii, Nevada, and Commonwealth of the Northern Mariana Islands.

Region X: Alaska, Idaho, Oregon, and Washington.

For this notice of competition, special consideration may be given to applicant organizations with physical locations in the following major metropolitan areas that may be underserved by existing OTI Education Centers (the list is in alpha order, not order of preference):

1. Austin-Round Rock, TX
2. Boston-Cambridge-Newton-Quincy, MA-NH
3. Charlotte-Gastonia-Concord, NC-SC
4. Cleveland-Elyria, OH
5. Columbus, OH
6. Hartford-West Hartford-East Hartford, CT
7. Houston-The Woodlands-Sugarland, TX
8. Indianapolis-Carmel-Anderson, IN
9. Jacksonville, FL
10. Las Vegas-Henderson-Paradise, NV
11. Louisville-Jefferson County, KY-IN
12. Memphis, TN-MS-AR
13. Miami-Fort Lauderdale-West Palm Beach, FL
14. Milwaukee-Waukesha-West Allis, WI
15. Minneapolis-St. Paul-Bloomington, MN-WI
16. New Orleans-Metairie, LA
17. Oklahoma City, OK
18. Orlando-Kissimmee-Sanford, FL
19. Phoenix-Mesa-Scottsdale, AZ
20. Pittsburgh, PA
21. Portland-Vancouver-Hillsboro, OR-WA
22. Providence-Warwick, RI-MA
23. Richmond, VA
24. Sacramento-Roseville-Arden Arcade, CA
25. Virginia Beach-Norfolk-Newport News, VA-NC

Application Submission Requirements

Submissions that are not in accordance with the application submission requirements listed below will not be considered. The application must include the following:

(1) *Program Summary:* The program summary is a one-to-two page double-spaced abstract that succinctly summarizes the applicant organization and any consortium partners' background, experience, and qualifications in occupational safety and health and training. The program summary must also provide:

(a) Contact information including the following:

- The name, address, and phone number of the lead organization and all consortium partners. A post office box will not be accepted.
- The name, title, address, telephone number, and email address of the program director who can answer questions regarding the application.

(b) Information on which OTI Education Center courses may be offered and any relevant language or target audience information.

(2) *Program Narrative:* The program narrative must be numbered and not exceed 30 double-spaced pages. Attachments will not be included in the page count.

(3) *Applicant Eligibility:* In order to be eligible, each organization must document the following. Organizations that do not address the following will not be given further consideration.

(a) *Non-Profit Status:* Include evidence of non-profit status of the lead organization and each member organization if applying as a consortium. A letter from the Internal Revenue Service, State, or a statement included in a recent audit report is preferred. In the absence of these, a copy of the articles of incorporation showing the non-profit status will be accepted.

(b) *Authority to Apply:* Provide a copy of the resolution by company president, Chief Executive Officer, Board of Directors, Board of Regents, or other governing body of the organization approving the submittal of an application to OSHA to become an OTI Education Center.

(c) *Occupational Safety and Health Training Experience:* Demonstrate previous experience delivering occupational safety and health training to adults.

(d) *Status as a Training Organization:* (This applies only to applicants that are not colleges or universities.) Document that training or education is a principal activity of the organization. Through audit reports, annual reports, or other documentation, the applicant must clearly demonstrate that for the last two calendar years more than 50 percent of the organization's funds have been used for training and education activities and more than 50 percent of staff resources have also been used for this purpose.

(e) *Curriculum Development:* Explain the organization's process for

developing and updating occupational safety and health curriculum to meet learning objectives provided by OSHA.

(f) *Training Facilities:* Provide detail regarding classrooms, laboratories, and testing facilities available. The organization must have training facilities that are under their purview.

(g) *Training Throughout the OSHA Region:* Provide details regarding the organization's ability to provide standard in-person classroom training across the OSHA Region in which the organization is physically located. Training conducted through video-conferencing and webinars are not accepted as in-person classroom training.

(h) *Nondiscrimination:* Provide copies of the organization's nondiscrimination policies covering staff and students. In the absence of a written policy, explain how the organization will ensure that staff and students are selected without regard to race, color, religion, national origin, gender, age, or disability.

Selection Guidelines

OSHA does not have a predetermined number of organizations to be selected to act as authorized OTI Education Centers. The number of organizations selected will be determined on a competitive basis using the selection criteria contained in this announcement.

Selection Criteria

Applications that meet the factors listed in the ''Applicant Eligibility'' section above will be reviewed by a technical panel based on the criteria listed below.

(1) Organizational Commitment (10 Points)

(a) Explicit commitment of company president, Chief Executive Officer, Board of Directors, Board of Regents, or other governing body of the organization to fully utilize all available organizational resources necessary to support a large-scale occupational safety and health training program.

(b) *To fully address this element, the proposal must:*

(i) Include a signed Letter of Commitment from company president, Chief Executive Officer, Board of Directors, Board of Regents, or other governing body of the organization detailing how they will support the initial startup, the short-term viability and the long-term growth of an OTI Education Center.

(ii) Clearly state the metrics and outcomes your organization will use to formally evaluate and assess the success of an OTI Education Center program.

(2) Organizational Experience and Qualifications (20 Points)

(a) Experience delivering occupational safety and health training in the construction, general, and maritime industries.

(b) Experience training adults.

(c) Ability to deliver required, elective, and short OTI Education Center courses; (See Appendix A for a current list of required, elective and short OTI Education Center courses).

(d) Provision for a systematic process for developing and updating occupational safety and health curriculum to support learning objectives provided by OSHA.

(e) Resources for supporting a large-scale occupational safety and health training program, such as appropriate management, instructional staff, and administrative staff to fulfill all program requirements including marketing, registration, student training materials, instruction, reporting, and Outreach card administration.

(f) *To fully address this element, the proposal must:*

(i) Describe experience delivering occupational safety and health training including the number of classes offered, number of students taught in each class, and number of student contact hours for each course during the last three calendar years.

(ii) Include copies of catalogs and other marketing materials that provide descriptive material about occupational safety and health training courses.

(iii) Describe ability to deliver OTI Education Center courses including required, elective, and short courses. Please note the required, elective and short course offerings are subject to change. A current list of required, elective and short courses may be found at Appendix A. The complete list of courses and descriptions is available online at *http://www.osha.gov/dte/edcenters/course_description.html.*

(iv) Indicate the number of occupational safety and health courses for which your organization has developed curriculum, including the title and student contact hours for each course, within the last three calendar years.

(v) Indicate the number of instructor-led in-person classroom training occupational safety and health courses your organization has conducted, including title, student contact hours, and number of trainees within the last three calendar years.

(vi) Describe organization's process for evaluating course content as it relates to student learning outcomes and process for reviewing and updating curriculum and course materials.

(vii) Demonstrate that your organization is capable of providing in-person classroom training throughout the OSHA Region in which the lead organization and consortium partner(s) are physically located.

(3) Staff Experience and Qualifications (15 Points)

(a) Staff experience in delivering training courses to adults in occupational safety and health in construction, general industry, and maritime.

(b) Staff experience in occupational safety and health subjects including the application of OSHA standards to the recognition, avoidance, abatement, and prevention of workplace hazards.

(c) Professional certifications related to occupational safety and health held by staff such as such as Certified Safety Professional, Professional Engineer, or Certified Industrial Hygienist.

(d) Staff experience in managing and administering a training program including student registration and enrollment, student communications, course preparation, records maintenance, and marketing.

(e) *To fully address this element, the proposal must:*

(i) Include an organizational chart of the department responsible for training. Indicate number and titles of staff positions that will be dedicated to the OTI Education Center Program along with the expected annual number of man-hours that will be allocated to the Program.

(ii) Describe staff knowledge of and experience with OSHA standards and their application to hazard recognition and hazard abatement.

(iii) Describe organization's process for evaluating instructors' effectiveness in the classroom. Provide copies of evaluation measures, checklists, and forms used to evaluate instructors.

(iv) Include resumes for instructors responsible for conducting OSHA courses and current staff. Provide position descriptions for positions to be filled.

(4) Location and Training Facilities (10 Points)

(a) Ability to conduct standard classroom instruction training in multiple locations within the OSHA Region.

(b) Classroom facilities available for presentation of the courses, including room capacity, availability of audiovisual equipment, and appropriate laboratories and other facilities available for hands-on exercises.

(c) Availability of testing center, evaluation center, or comparable facility.

(d) Provisions for accessibility for persons with disabilities.

(e) Accessibility of the training facility to population centers, including such factors as distance from a major airport, transportation from the airport to hotels, and distance from the interstate system.

(f) Availability and affordability of lodging and accommodations, food service, and restaurants available both in the area in which the classes will be held and in the area where the hotels are located. Lodging rates are based on GSA per diem rates located at *https://www.gsa.gov/perdiem.*

(g) Availability of local transportation, including how students will be transported between the hotels and classes using hotel shuttles, public transportation, or other means.

(h) *To fully address this element, the proposal must:*

(i) Describe the accessibility of the training facility for students within local commuting area.

(ii) Clearly identify that your organization has classrooms, laboratories, and testing facilities available. Training facilities must be under the direct control of the applicant. Floor plans are encouraged and may be included as an attachment.

(iii) Include such items as distance from a major airport, number of airlines serving the airport, transportation from the airport to hotels, and distance from the interstate system.

(iv) Provide a representative listing of hotels available for student accommodation and give sample room rates. Explain how students will be transported between the hotels and classes. Describe the food service and restaurants available both in the area in which the classes will be held and in the area where the hotels are located.

(v) Describe the organization's ability and plan to provide off-site host-site training within their respective Region including procedures to assure that classroom facilities and accommodations are adequate. Off-site training includes the ability to conduct courses at sites other than your own facility and in other states and U.S. territories within your OSHA region. Host-site training organizations must be non-profit organizations and proof of non-profit status is required.

(5) Marketing (15 Points)

(a) Experience in marketing training to adults.

(b) Ability to effectively market occupational safety and health training programs.

(c) Utilization of various media to support marketing efforts.

(d) Ability to solicit and deliver training on a contract basis.

(e) Resources sufficient to support participation in national industry conferences in order to market training programs.

(f) *To fully address this element, the proposal must:*

(i) Explain the procedures for marketing your organization's training courses and recruiting adult learners.

(ii) Include examples of current course marketing materials such as catalogs, flyers, brochures, emails, Web site urls and screen shots, postcards, use of social media, and any other associated relevant materials.

(iii) Explain how your organization will promote its status as an OTI Education Center.

(iv) Describe your organization's experience in exhibiting at conferences and trade shows.

(6) Administrative Capabilities (20 Points)

(a) Ability to administer a large-scale occupational safety and health training program, including clerical and support staff, and customer service capabilities, to fulfill all program requirements and meet customer needs.

(b) Ability to administer the Outreach Training Program, including processing card requests for Outreach trainers and conducting Outreach monitoring activities such as record audits and training observations.

(c) Ability to compile and submit reports and other training data.

(d) Applicants must be capable of providing mandatory reports consistent with current OSHA requirements, including the capability to submit reports in Excel format on a template provided by OSHA/DTE. Please note, OSHA periodically revises reporting requirements.

(e) Ability to respond to inquiries from OSHA and the public.

(f) Ability to manage student records.

(g) *To fully address this element, the proposal must:*

(i) Describe registration procedures including provisions for course cancellation, furnishing students with course materials, verifying course prerequisites are met in advance of registration, and tuition or fee collection processes.

(ii) Describe capabilities to process and issue course completion documents to students and collect related fees.

(iii) Describe personnel and resources available to conduct Outreach monitoring activities, including record audits and training observations.

(iv) Include information about organization's record retention policy, ability to issue replacement course completion documents, and collect related fees. Please note OSHA requires records to be maintained for a minimum of five years. OTI Education Centers may establish a longer retention policy.

(v) Explain what procedures will be implemented for reporting to OSHA/DTE.

(vi) Provide specific details regarding the organization's full-time customer service staff, capabilities, and/or planned approach for responding to questions from students; handling questions and concerns related to occupational safety and health; resolving problems associated with a course, whether received via student satisfaction surveys or direct communication from a student; and issuing replacement course completion certificates in a timely manner, including verification of student identity and training completion.

(vii) Provide a copy of the organization's tuition and fee schedule; explain how tuition or fees will be computed for each OTI Education Center numbered course, referencing the organization's tuition and fee schedule; and describe tuition and fee procedures including provisions for the collection of tuition, cancellation fees, and issuing refunds.

(7) Evaluation (10 Points)

OSHA utilizes Kirkpatrick's Levels of Evaluation as described below. Each OTI Education Center is responsible for collecting and submitting student surveys.

Satisfaction Survey (Level I Evaluation) to Measure Reaction: Each student must receive a satisfaction survey to assess the students' reactions and perceptions of the quality of the training.

Testing (Level II Evaluation) to Measure Learning: Learning assessments measure the skills and knowledge that the trainee retains as a result of the training. Testing is mandatory at the end of many courses.

Follow-up Impact Survey (Level III Evaluation) to Measure Results: Each applicant must have the capability of issuing a follow-up impact survey to assess the effectiveness of the training after an elapsed time period (*e.g.,* 6-months) using survey questions provided by OSHA.

(a) Ability to administer student surveys in a classroom setting.

(b) Ability to administer exams and ensure test integrity.

(c) Ability to assess the effectiveness of the training after an elapsed time period using a follow-up impact survey.

(d) Ability to summarize and report evaluation results.

(e) *To fully address this element, the proposal must:*

(i) Describe the organization's experience in conducting evaluation of training programs.

(ii) Describe organization's experience in administering student surveys. Provide examples of student surveys presently in use.

(iii) Describe organization's experience in administering classroom exams and the process for ensuring test integrity.

(iv) Describe organization's experience conducting follow-up evaluations that measure behavior and/or results.

Consortia and Partnerships

Applicants may join with one or more other non-profit organizations in their Region to apply as a consortium. A training or education institution may elect to apply for this program in partnership with a safety and health organization that is not primarily a training organization. For example, a university could enter into an agreement with a labor union that provides for the use of university classrooms and faculty supplemented by union safety and health professionals. All consortium partners must be physically located in the same OSHA region. Partners must designate a lead organization that will be responsible for program reporting and Outreach Training Program administration including Outreach card distribution.

Funding Provisions

OSHA provides no funding to OTI Education Centers. OTI Education Centers Program participants are expected to support their training through their normal tuition and fee structures.

Cooperative Agreement Duration

Selected applicants will sign five-year non-financial cooperative agreements with OSHA. Such an agreement may be renewed without additional competition for just one additional five-year period, provided that: (1) OSHA found the OTI Education Center's performance during the cooperative agreement to be satisfactory; and (2) the OTI Education Center has not altered its existing membership of constituent organizations (*i.e.,* the member organizations that comprise its consortium).

The agency reserves the right to revoke the authorization of an OTI Education Center. Either party may terminate the cooperative agreement with advance written notice, provided both parties continue to meet all obligations of the agreement for the duration of the advance notice period.

Proposal Conference

A proposal conference will be held to provide potential applicants with information about the OTI Education Centers Program. The conference will also clarify OSHA expectations for OTI Education Centers, courses and methods of instruction, as well as administrative and program requirements for OTI Education Centers and the OSHA Outreach Training Program. Attendance at the proposal conference is not mandatory, but applicants are strongly encouraged to attend.

The proposal conference is scheduled for May 17, 2017, at the OSHA Directorate of Training and Education, 2020 S. Arlington Heights Rd., Arlington Heights, Illinois 60005–4102.

It is required for all attendees to register for this proposal conference. Applicants interested in attending this conference must register through the following link: *https://reg.abcsignup.com/reg/event_page.aspx?ek=0019-0016-075F22DDCF7C46E18441F0ACF45847A0.* Required registration information includes:

(1) Name and street address of the organization;

(2) Name, title, telephone number, and email address of the attendees

Registration information must be submitted no later than June 30, 2017.

Application Submission

Applications must be submitted to the attention of James Brock, Program Manager, Office of Training Programs and Administration, OSHA Directorate of Training and Education, 2020 S. Arlington Heights Rd., Arlington Heights, Illinois 60005–4102.

The submission is to consist of three copies of the application. Applications may be bound. The program narrative must not exceed 30 double-spaced pages. Attachments will not be included in the page count. Applications must be double-spaced, in 12-point font, with all pages numbered, including attachments. Attachments must only include essential documents that are relevant to this program.

Application Deadline

Applications must be received by the OSHA Directorate of Training and Education no later than 4:30 p.m., Central Time, on June 30, 2017. Requests for extension to this application deadline will not be granted.

Application Evaluation and Selection Process

Applications will be reviewed by technical panels comprised of OSHA staff. The technical panels will review applications based on criteria listed in this notice to determine which applicants best meet the stated requirements. As part of the evaluation and selection process, OSHA may request additional information from applicants. This may include written requests for clarification, phone or in-person interviews, access to existing programs, and on-site visits of applicant facilities. OSHA will attempt to select qualified applicants who have the ability to provide training throughout their region based on program needs. The panels' recommendations to the Assistant Secretary are advisory in nature. The final decision will be made by the Assistant Secretary of Labor for Occupational Safety and Health.

Notification of Selection

Applicants will be notified by a representative of the Assistant Secretary of Labor for Occupational Safety and Health if their organization is selected as an OSHA Training Institute Education Center. Applicants selected to be OSHA Training Institute Education Centers must attend a mandatory orientation meeting at the Directorate of Training and Education in Arlington Heights, Illinois at a time and date to be provided after selection.

An organization may not deliver OSHA Training Institute Education Center courses until the program has been authorized, the organization has signed a non-financial cooperative agreement with OSHA, and the organization has participated in the orientation meeting.

Freedom of Information Act

Information submitted in the respondent's application is not considered confidential. Organization's application data may be releasable under the Freedom of Information Act.

Paperwork Reduction Act

Interested parties must submit an application as discussed under section ''Application Submission Requirements.'' According to the Paperwork Reduction Act, an Agency may not conduct or sponsor, and no persons are required to respond to, a collection of information unless such collection displays a valid OMB control

number. The application provides to OSHA basic information about the applicant organization and application. Information will be used to evaluate the qualifications of the applicants, and their ability to serve the regional population and to determine ability to conduct OSHA courses for private sector personnel and federal personnel from agencies other than OSHA; and, to evaluate the applicant organization's competence to provide the proposed training (including the qualifications of the personnel to manage and implement the training). OSHA estimates employer burden for the completion of this application is sixty hours per application. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and, completing and reviewing the collection of information.

The application was previously reviewed and approved for use by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The assigned OMB control number is 1218–0262.

Transparency

The Department of Labor is committed to conducting a transparent selection process and publicizing information about program outcomes. Applications or abstracts may be posted on public Web sites as a means of promoting and sharing innovative ideas.

Notification of Non-Selection

Applicants will be notified in writing if their organization is not selected to be an OSHA Training Institute Education Center.

Non-Selection Appeal

All decisions by the Assistant Secretary of Labor for Occupational Safety and Health are final. The Department of Labor does not provide an appeal procedure for applicants that are not selected.

Authority and Signature

Section 21 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 670)

Signed at Washington, DC, on April 24, 2017.

Dorothy Dougherty,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

Appendix A—Current List of Required, Elective and Short Courses [1]

(1) Present OTI Courses:

(a) FY 2017 rating criterion is 95 courses conducted annually with a minimum of four in-person courses per month.

(b) Present all OTI Courses as follows:

(i) *OTI Education Centers are required to present the following ten courses annually:*

(1) #500 Trainer Course in Occupational Safety and Health Standards for the Construction Industry

(2) #501 Trainer Course in Occupational Safety and Health Standards for General Industry

(3) #502 Update for Construction Industry Outreach Trainers

(4) #503 Update for General Industry Outreach Trainers

(5) #510 Occupational Safety and Health Standards for the Construction Industry

(6) #511 Occupational Safety and Health Standards for General Industry

(7) #3095 Electrical Standards

(8) #3115 Fall Protection

(9) #7500 Introduction to Safety and Health Management

(10) #7845 Recordkeeping Rule Seminar

(ii) *OTI Education Centers are required to present at least five of the following elective courses annually:*

(1) #521 OSHA Guide to Industrial Hygiene

(2) #2015 Hazardous Materials

(3) #2045 Machinery and Machine Guarding Standards

(4) #2055 Cranes in Construction

(5) #2225 Respiratory Protection

(6) #2255 Principles of Ergonomics

(7) #2264 Permit-Required Confined Space Entry

(8) #3015 Excavation, Trenching, and Soil Mechanics

(9) #3085 Principles of Scaffolding

(10) #5029 Cal/OSHA Update for Construction Industry Outreach Trainers

(11) #5039 Cal/OSHA Update for General Industry Outreach Trainers

(12) #5109 Cal/OSHA Standards for the Construction Industry

(13) #5119 Cal/OSHA Standards for General Industry

(14) #5400 Trainer Course in Occupational Safety and Health for the Maritime Industry

(15) #5402 Update for Maritime Industry Outreach Trainers

(16) #5410 Occupational Safety and Health Standards for the Maritime Industry

(17) #5600 Disaster Site Worker Trainer Course

(18) #5602 Update for Disaster Site Worker Trainers

(19) #5810 Hazard Recognition and Standards for On Shore Oil and Gas Exploration and Production

(20) #6000 Collateral Duty Course for Other Federal Agencies

(21) #6010 Occupational Safety and Health Course for Other Federal Agencies

(iii) *OTI Education Centers are required to present at least three of the following short courses annually:*

(1) #7000 OSHA Training Guidelines for Safe Patient Handling

(2) #7005 Public Warehousing and Storage

(3) #7100 Introduction to Machinery and Machine Safeguarding

(4) #7105 Introduction to Evacuation and Emergency Planning

(5) #7110 Introduction to Safe Bolting: Principles and Practices

(6) #7115 Lockout/Tagout

(7) #7120 Introduction to Combustible Dust Hazards

(8) #7125 Seminar on Combustible Dust Hazards

(9) #7200 Bloodborne Pathogen Exposure Control for Healthcare Facilities

(10) #7205 Health Hazard Awareness

(11) #7210 Pandemic Influenza Workplace Preparedness

(12) #7225 Transitioning to Safer Chemicals

(13) #7300 Understanding OSHA's Permit-Required Confined Space Standard

(14) #7400 Noise in the Construction Industry

(15) #7405 Fall Hazard Awareness for the Construction Industry

(16) #7410 Managing Excavation Hazards

(17) #7415 OSHA Construction Industry Requirements (Major Hazards and Prevention Strategies)

(18) #7505 Introduction to Incident (Accident) Investigation

(19) #7510 Introduction to OSHA for Small Business

[1] Subject to change based on Agency initiatives, yearly annual performance criteria and national emphasis programs.

[FR Doc. 2017–08686 Filed 4–28–17; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2017–038]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when agencies no longer need them for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives of the United States and to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice in the **Federal Register** for records schedules in which agencies propose to destroy records they no longer need to conduct agency business. NARA invites public comments on such records schedules.

DATES: NARA must receive requests for copies in writing by May 31, 2017. Once NARA finishes appraising the records, we will send you a copy of the schedule

you requested. We usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these. If you do, we will also provide them once we have completed the appraisal. You have 30 days after we send to you these requested documents in which to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Appraisal and Agency Assistance (ACRA) using one of the following means:

Mail: NARA (ACRA); 8601 Adelphi Road; College Park, MD 20740–6001.

Email: request.schedule@nara.gov.

FAX: 301–837–3698.

You must cite the control number, which appears in parentheses after the name of the agency that submitted the schedule, and a mailing address. If you would like an appraisal report, please include that in your request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, by mail at Records Appraisal and Agency Assistance (ACRA); National Archives and Records Administration; 8601 Adelphi Road; College Park, MD 20740–6001, by phone at 301–837–1799, or by email at *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: NARA publishes notice in the **Federal Register** for records schedules they no longer need to conduct agency business. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing records retention periods and submit these schedules for NARA's approval. These schedules provide for timely transfer into the National Archives of historically valuable records and authorize the agency to dispose of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless otherwise specified. An item in a schedule is media neutral when an agency may apply the disposition instructions to records regardless of the medium in which it creates or maintains the records. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is expressly limited to a specific medium. (See 36 CFR 1225.12(e).)

Agencies may not destroy Federal records without Archivist of the United States' approval. The Archivist approves destruction only after thoroughly considering the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value.

In addition to identifying the Federal agencies and any subdivisions requesting disposition authority, this notice lists the organizational unit(s) accumulating the records (or notes that the schedule has agency-wide applicability when schedules cover records that may be accumulated throughout an agency); provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction); and includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it also includes information about the records. You may request additional information about the disposition process at the addresses above.

Schedules Pending

1. Department of Agriculture, Farm Service Agency (DAA–0145–2017–0002, 1 item, 1 temporary item). Case files related to the Rural Environmental Program to include administrative and financial records.

2. Department of Health and Human Services, Indian Health Service (DAA–0513–2017–0001, 1 item, 1 temporary item). Patient information and medical imagery records.

3. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (DAA–0511–2016–0004, 27 items, 21 temporary items). System records of the Suicide Prevention Data Center. Proposed for permanent retention are datasets relating to suicide prevention, outreach, and awareness.

4. Department of Homeland Security, Immigration and Customs Enforcement (DAA–0567–2016–0007, 2 items, 2 temporary items). Records related to travel visas, including VIP referral and visa security program records.

5. Department of Homeland Security, Immigration and Customs Enforcement (DAA–0567–2017–0003, 1 item, 1 temporary item). Master files of an electronic information system used to track, process, and respond to audits, inspections, and reviews.

6. Department of Homeland Security, United States Citizenship and Immigration Services (DAA–0566–2016–0018, 20 items, 18 temporary items). Applications and requests for family-based adjustment of immigration status and supporting documentation when incomplete or incorrectly submitted, abandoned, denied, terminated, withdrawn, administratively closed, approved and not used, and approved and conferring a benefit lasting two years or less. Proposed for permanent retention are requests for adjustment of status for benefits lasting more than two years when approved, and when approved and used.

7. Department of Homeland Security, United States Citizenship and Immigration Services (DAA–0566–2017–0009, 15 items, 15 temporary items). Applications, petitions, and requests for non-immigrant status adjustment, including extension requests, changes to a different non-immigrant status, and reinstatement of student status.

8. Department of Homeland Security, United States Citizenship and Immigration Services (DAA–0566–2017–0020, 1 item, 1 temporary item). Records of naturalized citizens' renunciation of U.S. citizenship that are used to update the agency's index system.

9. Department of Homeland Security, United States Customs and Border Protection (DAA–0568–2017–0006, 8 items, 8 temporary items). Records related to international trade and travel, including shipment of goods, customs broker licensure, sale of abandoned goods, Foreign Trade Zone admission, merchandise control, and scientific laboratory operations.

10. Department of Justice, Agency-wide (DAA–0060–2017–0016, 1 item, 1 temporary item). Background material and internal clearance records relating to agency directives, policy, and instructions.

11. Department of the Navy, United States Marine Corps (DAA–0127–2017–0003, 2 items, 2 temporary items). Records relating to an electronic information system used for training in the execution of environmental policies and procedures.

12. Department of the Navy, United States Marine Corps (DAA–0127–2017–0005, 1 item, 1 temporary item). Records

of an electronic information system used to track and manage hazardous material.

13. National Archives and Records Administration, Agency-wide (DAA–0064–2017–0001, 1 item, 1 temporary item). Background and feeder reports related to strategic, performance, and accountability plans.

14. National Archives and Records Administration, Legislative Archives, Presidential Libraries, and Museum Services (DAA–0064–2017–0002, 4 items, 3 temporary items). Records related to the public release and special access notifications of Presidential records. Proposed for permanent retention are records covering notable persons.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2017–08774 Filed 4–28–17; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–275 and 50–323; NRC–2016–0151]

Pacific Gas and Electric Company; Diablo Canyon Power Plant, Units 1 and 2

AGENCY: Nuclear Regulatory Commission.

ACTION: License amendment application; withdrawal by applicant.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has granted the request of Pacific Gas and Electric Company (PG&E) to withdraw its application dated May 12, 2016, for the proposed amendments to Facility Operating License Nos. DPR–80 and DPR–82 for Diablo Canyon Power Plant (DCPP), Units 1 and 2. The proposed amendments would have modified the DCPP Technical Specifications (TSs) to adopt Nuclear Energy Institute (NEI) 94–01, Revision 2A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J.''

ADDRESSES: Please refer to Docket ID NRC–2016–0151 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0151. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Balwant K. Singal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3016, email: *Balwant.Singal@nrc.gov*.

SUPPLEMENTARY INFORMATION: The NRC has granted the request of PG&E to withdraw its application dated May 12, 2016 (ADAMS Accession No. ML16146A100), for the proposed amendments to Facility Operating License Nos. DPR–80 and DPR–82 for DCPP, Units 1 and 2, located in San Luis Obispo County, California.

The proposed amendments would have modified DCPP, Units 1 and 2, TS 5.5.16, ''Containment Leakage Rate Testing Program,'' to replace the reference to Regulatory Guide 1.163, ''Performance-Based Containment Leak-Test Program,'' September 1995 (ADAMS Accession No. ML003740058), and 10 CFR part 50, Appendix J, Option B, ''Performance-Based Requirements,'' with a reference to NEI 94–01, Revision 2–A, ''Industry Guideline for Implementing Performance-Based Option of 10 CFR part 50, Appendix J,'' October 2008 (ADAMS Accession No. ML100620847). In addition, the proposed amendments would have modified TS 5.5.16 to remove an exception under paragraph 5.16.a.3 for a one-time 15-year Type A test interval.

The Commission has previously issued a proposed finding that the amendment involves no significant hazards determination published in the **Federal Register** on August 2, 2016 (81 FR 50733). However, by letter dated March 30, 2017 (ADAMS Accession No. ML17089A688), PG&E requested to withdraw the proposed amendment.

Dated at Rockville, Maryland, this 24th day of April 2017.

For the Nuclear Regulatory Commission.

Balwant K. Singal,

Senior Project Manager, Plant Licensing Branch IV, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–08734 Filed 4–28–17; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Annual Reporting (Form 5500 Series)

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of intent to request extension of OMB approval without change.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) intends to request that the Office of Management and Budget (OMB) extend approval, under the Paperwork Reduction Act of 1995, of its collection of information for Annual Reporting under OMB control number 1212–0057, which expires on June 30, 2017. This notice informs the public of PBGC's intent and solicits public comment on the collection of information.

DATES: Comments must be submitted by June 30, 2017.

ADDRESSES: Comments may be submitted by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.

• *Email: paperwork.comments@pbgc.gov.*

• *Mail or Hand Delivery:* Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026.

PBGC will make all comments available on its Web site at *http://www.pbgc.gov.*

Copies of the collection of information and comments may be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026, or by calling 202–326–4040 during normal

business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.)

FOR FURTHER INFORMATION CONTACT: Jo Amato Burns (*burns.jo.amato@pbgc.gov*), Attorney, Regulatory Affairs Group, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005–4026, 202–326–4400, extension 3072, or Deborah C. Murphy (*murphy.deborah@pbgc.gov*), Assistant General Counsel, same address and phone number, extension 3451. (TTY and TDD users may call the Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–326–4400, extension 3072 or 3451.)

SUPPLEMENTARY INFORMATION: Annual reporting to the Internal Revenue Service (IRS), the Employee Benefits Security Administration (EBSA), and the Pension Benefit Guaranty Corporation (PBGC) is required by law for most employee benefit plans. For example, section 4065 of the Employee Retirement Income Security Act of 1974 requires annual reporting to PBGC for pension plans covered by title IV of ERISA. To accommodate these filing requirements, PBGC, IRS, and EBSA have jointly promulgated the Form 5500 Series, which includes the Form 5500 Annual Return/Report of Employee Benefit Plan and the Form 5500–SF Short Form Annual Return/Report of Small Employee Benefit Plan.

The collection of information has been approved by OMB under control number 1212–0057 through June 30, 2017. PBGC intends to request that OMB extend its approval for three years without change. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

PBGC estimates that it will receive approximately 23,700 Form 5500 and Form 5500–SF filings per year under this collection of information. PBGC further estimates that the total annual burden of this collection of information will be 1,200 hours and $1,655,000.

PBGC is soliciting public comments to—

- evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodologies 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.

Deborah Chase Murphy,

Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2017–08695 Filed 4–28–17; 8:45 am]

BILLING CODE 7709–02–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2017–122 and CP2017–173; MC2017–123 and CP2017–174]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* May 3, 2017.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Docketed Proceeding(s)

I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's Web site (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2017–122 and CP2017–173; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 313 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* April 25, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Katalin K. Clendenin; *Comments Due:* May 3, 2017.

2. *Docket No(s).:* MC2017–123 and CP2017–174; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Express & Priority Mail Contract 47 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* April 25, 2017; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.; Public Representative:* Katalin K. Clendenin; *Comments Due:* May 3, 2017.

This Notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–08745 Filed 4–28–17; 8:45 am]

BILLING CODE 7710–FW–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:

Rule 32a–4, SEC File No. 270–473, OMB Control No. 3235–0530.

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 requests for extension of the previously approved collections of information discussed below.

Section 32(a)(2) of the Investment Company Act of 1940 (15 U.S.C. 80a 31(a)(2)) (''Act'') requires that the selection of a registered management investment company's or registered face-amount certificate company's (collectively, ''funds'') independent public accountant be submitted to shareholders for ratification or rejection. Rule 32a–4 under the Investment Company Act (17 CFR 270.32a–4) exempts a fund from this requirement if, among other things, the fund has an audit committee consisting entirely of independent directors. The rule permits continuing oversight of a fund's accounting and auditing processes by an independent audit committee in place of a shareholder vote.

Among other things, in order to rely on rule 32a–4, a fund's board of directors must adopt an audit committee charter and must preserve that charter, and any modifications to the charter, permanently in an easily accessible place. The purpose of these conditions is to ensure that Commission staff will be able to monitor the duties and responsibilities of an audit committee of a fund relying on the rule.

Commission staff estimates that on average the board of directors takes 15 minutes to adopt the audit committee charter. Commission staff has estimated that with an average of 8 directors on the board,[1] total director time to adopt the charter is 2 hours. Combined with an estimated ½ hour of paralegal time to prepare the charter for board review, the staff estimates a total one-time collection of information burden of 2½ hours for each fund. Once a board adopts an audit committee charter, the charter is preserved as part of the fund's records. Commission staff estimates that there is no annual hourly burden associated with preserving the charter in accordance with this rule.[2]

Because virtually all existing funds have now adopted audit committee charters, the annual one-time collection of information burden associated with adopting audit committee charters is limited to the burden incurred by newly established funds. Commission staff estimates that fund sponsors establish approximately 112 new funds each year,[3] and that all of these funds will adopt an audit committee charter in order to rely on rule 32a–4. Thus, Commission staff estimates that the annual one-time hour burden associated with adopting an audit committee charter under rule 32a–4 is approximately 280 hours.[4]

When funds adopt an audit committee charter in order to rely on rule 32a–4, they also may incur one-time costs related to hiring outside counsel to prepare the charter. Commission staff estimates that those costs average approximately $1500 per fund.[5] As noted above, Commission staff estimates that approximately 112 new funds each year will adopt an audit committee charter in order to rely on rule 32a–4. Thus, Commission staff estimates that the ongoing annual cost burden associated with rule 32a–4 in the future will be approximately $168,000.[6]

The estimates of average burden hours and costs are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. The collections of information required by rule 32a–4 are necessary to obtain the benefits of the rule. The Commission is seeking OMB approval, because 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.

[1] This estimate is based on staff experience and on discussions with a representative of an entity that surveys funds and calculates fund board statistics based on responses to its surveys.

[2] This estimate is based on staff experience and discussions with funds regarding the hour burden related to maintenance of the charter.

[3] This estimate is based on the average number of notifications of registration on Form N–8A filed from 2013–2015.

[4] This estimate is based on the following calculation: (2.5 burden hours for establishing charter × 112 new funds = 280 burden hours).

[5] Costs may vary based on the individual needs of each fund. However, based on the staff's experience and conversations with outside counsel that prepare these charters, legal fees related to the preparation and adoption of an audit committee charter usually average $1500 or less. The Commission also understands that model audit committee charters are available, which reduces the costs associated with drafting a charter.

[6] This estimate is based on the following calculations: ($1500 cost of adopting charter × 112 newly established funds = $168,000).

Dated: April 25, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08765 Filed 4–28–17; 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:

Rule 17a–22, SEC File No. 270–202, OMB Control No. 3235–0196.

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'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 17a–22 (17 CFR 240.17a–22) under the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*).

Rule 17a–22 requires all registered clearing agencies to file with the

Commission three copies of all materials they issue or make generally available to their participants or other entities with which they have a significant relationship, such as pledges, transfer agents, or self-regulatory organizations. Such materials include manuals, notices, circulars, bulletins, lists, and periodicals. The filings with the Commission must be made within ten days after the materials are issued or made generally available. When the Commission is not the clearing agency's appropriate regulatory agency, the clearing agency must file one copy of the material with its appropriate regulatory agency. The Commission is responsible for overseeing clearing agencies and uses the information filed pursuant to Rule 17a–22 to determine whether a clearing agency is implementing procedural or policy changes. The information filed aides the Commission in determining whether such changes are consistent with the purposes of Section 17A of the Exchange Act. Also, the Commission uses the information to determine whether a clearing agency has changed its rules without reporting the actual or prospective change to the Commission as required under Section 19(b) of the Exchange Act.

The respondents to Rule 17a–22 are registered clearing agencies. The frequency of filings made by clearing agencies pursuant to Rule 17a–22 varies but on average there are approximately 200 filings per year per active clearing agency. There are seven active registered clearing agencies. The Commission staff estimates that each response requires approximately .25 hours (fifteen minutes), which represents the time it takes for a staff person at the clearing agency to properly identify a document subject to the rule, print and makes copies, and mail that document to the Commission. Thus, the total annual burden for all active clearing agencies is 350 hours (7 clearing agencies multiplied by 200 filings per clearing agency multiplied by .25 hours) and a total of 50 hours (1400 responses multiplied by .25 hours, divided by 7 active clearing agencies) per year are expended by each respondent to comply with the rule.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: April 25, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08759 Filed 4–28–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–408, OMB Control No. 3235–0464]

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:
Rule 101.

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'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 101 of Regulation M (17 CFR 242.101), under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 101 prohibits distribution participants from purchasing activities at specified times during a distribution of securities. Persons otherwise covered by this rule may seek to use several applicable exceptions such as a calculation of the average daily trading volume of the securities in distribution, the maintenance of policies regarding information barriers between their affiliates, and the maintenance of a written policy regarding general compliance with Regulation M for de minimus transactions.

There are approximately 1550 respondents per year that require an aggregate total of 30,218 hours to comply with this rule. Each respondent makes an estimated 1 annual response. Each response takes on average approximately 19.495 hours to complete. Thus, the total compliance burden per year is 30,218 burden hours. The total estimated internal labor compliance cost for the respondents is approximately $1,964,170.00, resulting in an internal cost of compliance for each respondent per response of approximately $1267.21 (*i.e.,* $1,964,170.00/1550 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view 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, c/o Remi Pavlik-Simon, 100 F Street, NE., Washington, DC 20549 or by sending an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted within 30 days of this notice.

Dated: April 25, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08767 Filed 4–28–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80523; File No. SR–CBOE–2017–017]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Order Approving a Proposed Rule Change To Amend the Bylaws and Certificate of Incorporation

April 25, 2017.

I. Introduction

On February 22, 2017, Chicago Board Options Exchange, Incorporated (''CBOE'' 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 amend its Bylaws [3] and Certificate of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Amended and Restated Bylaws of Chicago Board Options Exchange, Incorporated (''Bylaws'').

Incorporation.[4] The Commission published the proposed rule change for comment in the **Federal Register** on March 13, 2017.[5] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposed Rule Change

First, the Exchange proposes to amend its Bylaws relating to the Board of Directors (''Board'') size range. Currently, Section 3.1 of the Bylaws provides that the Board shall consist of not less than 12 and not more than 16 directors. The Exchange proposes to change the Board size range such that the Board shall consist of no less than five directors. The Exchange also proposes to make conforming changes to its Certificate of Incorporation by amending subparagraph (b) of Article Fifth to also provide that the Board shall consist of not less than five directors and to eliminate the current referenced range of 12 to 16 directors.[6]

Second, the Exchange proposes to eliminate the Exchange-level Compensation Committee. CBOE is proposing to delete Section 4.3 of the Bylaws, which provides for the CBOE Compensation Committee, and to delete a reference to the CBOE Compensation Committee in Section 4.1(a) of the Bylaws (which lists the required Board committees). CBOE also proposes to eliminate the reference to the CBOE Compensation Committee in Section 5.11 of the Bylaws, which provides that officers are entitled to salaries, compensation or reimbursement as shall be fixed or allowed from time to time by the Board unless otherwise delegated to the Board's Compensation Committee or to senior management. The Exchange justifies eliminating the CBOE Compensation Committee because its functions largely are duplicative of those of the Compensation Committee of its parent company, CBOE Holdings.[7]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act,[8] and the rules and regulations thereunder applicable to a national securities exchange.[9] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(1) of the Act,[10] which requires a national securities exchange to be so organized and have the capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act. The Commission also finds that the proposed rule change is consistent with Section 6(b)(3) of the Act,[11] which requires that the rules of a national securities exchange assure a fair representation of its members in the selection of its directors and administration of its affairs and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the exchange, broker, or dealer. The Commission further finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[12] which requires, among other things, that a national securities exchange have rules 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 particular, the Commission notes that the proposal to require at least five directors for the Board, rather than a required range of not less than 12 and not more than 16, is comparable to the board size requirements stipulated in the bylaws of at least one other exchange, which was approved by the Commission.[13] Importantly, the Exchange represents that it is not proposing to amend any of the compositional requirements of the Board, including its provision relating to the fair representation of members, which are set forth in Section 3.2 of the Bylaws.[14] The Commission notes that the Exchange represents that, while the proposal provides the Board with greater flexibility to determine the size of the Board without amending the Bylaws, it will continue to allow the Exchange to ensure that the Board is of adequate size and includes directors with relevant and diverse experience.[15] The Exchange also notes that it has no current plans to change the size of its Board outside of the original range of 12–16 directors.[16]

With regard to the proposal to eliminate the CBOE Compensation Committee, the Commission notes that this change is comparable to the governing structures of other exchanges, which the Commission has previously approved.[17] As more fully set forth in the Notice, the Exchange explains that the CBOE Compensation Committee's responsibilities largely are duplicative of those of the corresponding Compensation Committee of CBOE Holdings, other than to the extent that the CBOE Compensation Committee recommends the compensation of executive officers whose compensation is not already determined by the CBOE Holdings Compensation Committee.[18] Accordingly, under the proposed rule change, such functions now will be performed by the CBOE Holdings Compensation Committee or as otherwise provided in the Bylaws.[19] The Commission notes that the Exchange represents that currently, each of the executive officers whose compensation would need to be determined by the Compensation Committee are officers of both CBOE and CBOE Holdings, but should compensation need to be determined in the future for any CBOE officer who is not also a CBOE Holdings officer, the CBOE Board or CBOE senior management will perform such action without the use of a compensation committee, as provided for in Section 5.11 of the Bylaws.[20] Further, the Commission notes that the CBOE Regulatory Oversight and Compliance Committee (''ROCC'') of the Board will continue to recommend to the Board the compensation for the Chief Regulatory Officer and any Deputy Chief Regulatory

[4] *See* Certificate of Incorporation of Chicago Board Options Exchange, Incorporated (''Certificate of Incorporation'').

[5] *See* Securities Exchange Act Release No. 80167 (March 7, 2017), 82 FR 13527 (''Notice'').

[6] *Id.* at 13528.

[7] *Id.* The Exchange notes that the composition of both committees currently are the same. *See id.* at 13528 n.6.

[8] 15 U.S.C. 78f.

[9] 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).

[10] 15 U.S.C. 78f(b)(1).

[11] 15 U.S.C. 78f(b)(3).

[12] 15 U.S.C. 78f(b)(5).

[13] *See* Securities Exchange Act Release No. 69884 (June 27, 2013), 78 FR 40255 (July 3, 2013) (SR–BYX–2013–013) (providing that the BATS Y-Exchange board of directors will consist of four or more directors).

[14] *See* Notice, *supra* note 5, at 13528–29.

[15] *See id.* at 13529.

[16] *See id.* at 13528 n.3.

[17] *See e.g.,* Securities Exchange Act Release No. 60276 (July 9, 2009), 74 FR 34840 (July 17, 2009) (SR–NASDAQ–2009–042); *see also* Securities Exchange Act Release No. 62304 (June 16, 2010), 75 FR 36136 (June 24, 2010) (SR–NYSEArca–2010–31).

[18] *See* Notice, *supra* note 5, at 13528.

[19] *Id.*

[20] *See* Bylaws Section 5.11 (providing that ''[o]fficers of the Corporation shall be entitled to such salaries, compensation or reimbursement as shall be fixed or allowed from time to time by the Board unless otherwise delegated to the Compensation Committee of the Board or to members of senior management'').

Officers, and this process is not be affected by this proposed rule change.

For the reasons noted above, the Commission finds that the proposed rule change is consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[21] that the proposed rule change (SR–CBOE–2017–017) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08700 Filed 4–28–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–259, OMB Control No. 3235–0269]

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:
Rule 17f–5.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') requests for extension of the previously approved collections of information discussed below.

Rule 17f–5 (17 CFR 270.17f–5) under the Investment Company Act of 1940 [15 U.S.C. 80a] (the ''Act'') governs the custody of the assets of registered management investment companies (''funds'') with custodians outside the United States. Under rule 17f–5, a fund or its foreign custody manager (as delegated by the fund's board) may maintain the fund's foreign assets in the care of an eligible fund custodian under certain conditions. If the fund's board delegates to a foreign custody manager authority to place foreign assets, the fund's board must find that it is reasonable to rely on each delegate the board selects to act as the fund's foreign custody manager. The delegate must agree to provide written reports that notify the board when the fund's assets are placed with a foreign custodian and when any material change occurs in the fund's custody arrangements. The delegate must agree to exercise reasonable care, prudence, and diligence, or to adhere to a higher standard of care. When the foreign custody manager selects an eligible foreign custodian, it must determine that the fund's assets will be subject to reasonable care if maintained with that custodian, and that the written contract that governs each custody arrangement will provide reasonable care for fund assets. The contract must contain certain specified provisions or others that provide at least equivalent care. The foreign custody manager must establish a system to monitor the performance of the contract and the appropriateness of continuing to maintain assets with the eligible foreign custodian.

The collection of information requirements in rule 17f–5 are intended to provide protection for fund assets maintained with a foreign bank custodian whose use is not authorized by statutory provisions that govern fund custody arrangements,[1] and that is not subject to regulation and examination by U.S. regulators. The requirement that the fund board determine that it is reasonable to rely on each delegate is intended to ensure that the board carefully considers each delegate's qualifications to perform its responsibilities. The requirement that the delegate provide written reports to the board is intended to ensure that the delegate notifies the board of important developments concerning custody arrangements so that the board may exercise effective oversight. The requirement that the delegate agree to exercise reasonable care is intended to provide assurances to the fund that the delegate will properly perform its duties.

The requirements that the foreign custody manager determine that fund assets will be subject to reasonable care with the eligible foreign custodian and under the custody contract, and that each contract contain specified provisions or equivalent provisions, are intended to ensure that the delegate has evaluated the level of care provided by the custodian, that it weighs the adequacy of contractual provisions, and that fund assets are protected by minimal contractual safeguards. The requirement that the foreign custody manager establish a monitoring system is intended to ensure that the manager periodically reviews each custody arrangement and takes appropriate action if developing custody risks may threaten fund assets.[2]

Commission staff estimates that each year, approximately 97 registrants [3] could be required to make an average of one response per registrant under rule 17f–5, requiring approximately 2.5 hours of board of director time per response, to make the necessary findings concerning foreign custody managers. The total annual burden associated with these requirements of the rule is up to approximately 243 hours (97 registrants × 2.5 hours per registrant). The staff further estimates that during each year, approximately 15 global custodians [4] are required to make an average of 4 responses per custodian concerning the use of foreign custodians other than depositories. The staff estimates that each response will take approximately 270 hours, requiring approximately 1080 total hours annually per custodian (270 hours × 4 responses per custodian). The total annual burden associated with these requirements of the rule is approximately 16,200 hours (15 global custodians × 1080 hours per custodian). Therefore, the total annual burden of all collection of information requirements of rule 17f–5 is estimated to be up to 16,443 hours (243 + 16,200). The total annual cost of burden hours is estimated to be $4,522,392 ((243 hours × $4,144/hour for board of director's time) + (16,200 hours × $217/hour for a trust administrator's time)).[5] Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule's permission for funds to maintain their assets in foreign custodians.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of

[21] 15 U.S.C. 78s(b)(2).

[22] 17 CFR 200.30–3(a)(12).

[1] *See* section 17(f) of the Act. 15 U.S.C. 80a–17(f).

[2] The staff believes that subcustodian monitoring does not involve ''collection of information'' within the meaning of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520) (''Paperwork Reduction Act'').

[3] This figure is an estimate of the number of new funds each year, based on data reported by funds for 2014, 2015, and 2016. In practice, not all funds will use foreign custody managers. The actual figure therefore may be smaller.

[4] This estimate is based on staff research.

[5] Based on fund industry representations, the staff estimated in 2014 that the average cost of board of director time, for the board as a whole, was $4,000 per hour. Adjusting for inflation, the staff estimates that the current average cost of board of director time is approximately $4,144 per hour. The $217/hour figure for a trust administrator is from SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead.

the costs of Commission rules and forms.

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: April 25, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08760 Filed 4–28–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–312, OMB Control No. 3235–0354]

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:
Rule 19b–1.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

Section 19(b) of the Investment Company Act of 1940 (the ''Act'') (15 U.S.C. 80a–19(b)) authorizes the Commission to regulate registered investment company (''fund'') distributions of long-term capital gains made more frequently than once every twelve months. Accordingly, rule 19b–1 under the Act (17 CFR 270.19b–1) regulates the frequency of fund distributions of capital gains. Rule 19b–1(c) states that the rule does not apply to a unit investment trust (''UIT'') if it is engaged exclusively in the business of investing in certain eligible securities (generally, fixed-income securities), provided that: (i) The capital gains distribution falls within one of five categories specified in the rule [1] and (ii) the distribution is accompanied by a report to the unitholder that clearly describes the distribution as a capital gains distribution (the ''notice requirement'').[2] Rule 19b–1(e) permits a fund to apply to the Commission for permission to distribute long-term capital gains that would otherwise be prohibited by the rule if the fund did not foresee the circumstances that created the need for the distribution. The application must set forth the pertinent facts and explain the circumstances that justify the distribution.[3] An application that meets those requirements is deemed to be granted unless the Commission denies the request within 15 days after the Commission receives the application.

Commission staff estimates that five funds will file an application under rule 19b–1(e) each year.[4] The staff understands that if a fund files an application it generally uses outside counsel to prepare the application. The cost burden of using outside counsel is discussed below. The staff estimates that, on average, a fund's investment adviser would spend approximately 4 hours to review an application, including 3.5 hours by an assistant general counsel at a cost of $433 per hour and 0.5 hours by an administrative assistant at a cost of $74 per hour, and the fund's board of directors would spend an additional 1 hour at a cost of $4,465 per hour, for a total of 5 hours.[5] Thus, the staff estimates that the annual hour burden of the collection of information imposed by rule 19b–1(e) would be approximately five hours per fund, at a cost of $6017.50.[6] Because the staff estimates that, each year, five funds will file an application pursuant to rule 19b–1(e), the total burden for the information collection is 40 hours at a cost of $30,087.50.[7]

Commission staff estimates that there is no hour burden associated with complying with the collection of information component of rule 19b–1(c).

As noted above, Commission staff understands that funds that file an application under rule 19b–1(e) generally use outside counsel to prepare the application.[8] The staff estimates that, on average, outside counsel spends 10 hours preparing a rule 19b–1(e) application, including eight hours by an associate and two hours by a partner. Outside counsel billing arrangements and rates vary based on numerous factors, but the staff has estimated the average cost of outside counsel as $400 per hour, based on information received from funds, intermediaries, and their counsel. The staff therefore estimates that the average cost of outside counsel preparation of the rule 19b–1(e) exemptive application is $4,000.[9] Because the staff estimates that, each year, five funds will file an application pursuant to rule 19b–1(e), the total annual cost burden imposed by the exemptive application requirements of rule 19b–1(e) is estimated to be $20,000.[10]

The Commission staff estimates that there are approximately 2,579 UITs [11] that may rely on rule 19b–1(c) to make capital gains distributions. The staff estimates that, on average, these UITs rely on rule 19b–1(c) once a year to make a capital gains distribution.[12] In

[1] 17 CFR 270.19b–1(c)(1).

[2] The notice requirement in rule 19b–1(c)(2) supplements the notice requirement of section 19(a) [15 U.S.C. 80a–19(a)], which requires any distribution in the nature of a dividend payment to be accompanied by a notice disclosing the source of the distribution.

[3] Rule 19b–1(e) also requires that the application comply with rule 0–2 [17 CFR 270.02] under the Act, which sets forth the general requirements for papers and applications filed with the Commission pursuant to the Act and rules thereunder.

[4] This estimate is based on the average number of applications filed with the Commission pursuant to rule 19b–1(e) in the prior three-year period.

[5] The estimate for assistant general counsels is from SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and inflation (as of January 2016) and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead. The estimate for administrative assistants is from SIFMA's Office Salaries in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and inflation (as of January 2016) and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead. The staff previously estimated in 2009 that the average cost of board of director time was $4,000 per hour for the board as a whole, based on information received from funds and their counsel. Adjusting for inflation, the staff estimates that the current average cost of board of director time is approximately $4,465.

[6] This estimate is based on the following calculations: $1515.50 (3.5 hours × $433 = $1515.50) plus $37 (0.5 hours × $74 = $37) plus $4465 equals $6017.50 (cost of one application).

[7] This estimate is based on the following calculation: $6017.50 (cost of one application) multiplied by 5 applications = $30,087.50 total cost.

[8] This understanding is based on conversations with representatives from the fund industry.

[9] This estimate is based on the following calculation: 10 hours multiplied by $400 per hour equals $4,000.

[10] This estimate is based on the following calculation: $4,000 multiplied by five (funds) equals $20,000.

[11] *See* 2016 Investment Company Fact Book, Investment Company Institute, *available at https://www.ici.org/pdf/2016_factbook.pdf.*

[12] The number of times UITs rely on the rule to make capital gains distributions depends on a wide range of factors and, thus, can vary greatly across years and UITs. UITs may distribute capital gains biannually, annually, quarterly, or at other

most cases, the trustee of the UIT is responsible for preparing and sending the notices that must accompany a capital gains distribution under rule 19b–1(c)(2). These notices require limited preparation, the cost of which accounts for only a small, indiscrete portion of the comprehensive fee charged by the trustee for its services to the UIT. The staff believes that as a matter of good business practice, and for tax preparation reasons, UITs would collect and distribute the capital gains information required to be sent to unitholders under rule 19b–1(c) even in the absence of the rule. The staff estimates that the cost of preparing a notice for a capital gains distribution under rule 19b–1(c)(2) is approximately $50. There is no separate cost to mail the notices because they are mailed with the capital gains distribution. Thus, the staff estimates that the capital gains distribution notice requirement imposes an annual cost on UITs of approximately $128,950.[13] The staff therefore estimates that the total cost imposed by rule 19b–1 is $160,950 ($128,950 plus $20,000 (total cost associated with rule 19b–1(e)) equals $148,950).

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: April 25, 2017.

Eduardo A. Aleman,

Assistant Secretary.

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BILLING CODE 8011–01–P

intervals. Additionally, a number of UITs are organized as grantor trusts, and therefore do not generally make capital gains distributions under rule 19b–1(c), or may not rely on rule 19b–1(c) as they do not meet the rule's requirements.

[13] This estimate is based on the following calculation: 2,579 UITs multiplied by $50 equals $128,950.

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:

Rule 203A–2(d), SEC File No. 270–630, OMB Control No. 3235–0689.

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 for extension of the previously approved collection of information discussed below.

The title of the collection of information is: ''Exemption for Certain Multi-State Investment Advisers (Rule 203A–2(d)).'' Its currently approved OMB control number is 3235–0689. 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.

Pursuant to section 203A of the Investment Advisers Act of 1940 (the ''Act'') (15 U.S.C. 80b–3a), an investment adviser that is regulated or required to be regulated as an investment adviser in the state in which it maintains its principal office and place of business is prohibited from registering with the Commission unless that adviser has at least $25 million in assets under management or advises a Commission-registered investment company. Section 203A also prohibits from Commission registration an adviser that: (i) Has assets under management between $25 million and $100 million; (ii) is required to be registered as an investment adviser with the state in which it maintains its principal office and place of business; and (iii) if registered, would be subject to examination as an adviser by that state (a ''mid-sized adviser''). A mid-sized adviser that otherwise would be prohibited may register with the Commission if it would be required to register with 15 or more states. Similarly, Rule 203A–2(d) under the Act (17 CFR 275.203a–2(d)) provides that the prohibition on registration with the Commission does not apply to an investment adviser that is required to register in 15 or more states. An investment adviser relying on this exemption also must: (i) Include a representation on Schedule D of Form ADV that the investment adviser has concluded that it must register as an investment adviser with the required number of states; (ii) undertake to withdraw from registration with the Commission if the adviser indicates on an annual updating amendment to Form ADV that it would be required by the laws of fewer than 15 states to register as an investment adviser with the state; and (iii) maintain in an easily accessible place a record of the states in which the investment adviser has determined it would, but for the exemption, be required to register for a period of not less than five years from the filing of a Form ADV relying on the rule.

Respondents to this collection of information are investment advisers required to register in 15 or more states absent the exemption that rely on rule 203A–2(d) to register with the Commission. The information collected under rule 203A–2(d) permits the Commission's examination staff to determine an adviser's eligibility for registration with the Commission under this exemptive rule and is also necessary for the Commission staff to use in its examination and oversight program. This collection of information is codified at 17 CFR 275.203a–2(d) and is mandatory to qualify for and maintain Commission registration eligibility under rule 203A–2(d). Responses to the recordkeeping requirements under rule 203A–2(d) in the context of the Commission's examination and oversight program are generally kept confidential.

The estimated number of investment advisers subject to the collection of information requirements under the rule is 142. These advisers will incur an average one-time initial burden of approximately 8 hours, and an average ongoing burden of approximately 8 hours per year, to keep records sufficient to demonstrate that they meet the 15-state threshold. These estimates are based on an estimate that each year an investment adviser will spend approximately 0.5 hours creating a record of its determination whether it must register as an investment adviser with each of the 15 states required to rely on the exemption, and approximately 0.5 hours to maintain these records. Accordingly, we estimate that rule 203A–2(d) results in an annual aggregate burden of collection for SEC-registered investment advisers of a total of 1,136 hours. Estimates of average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

The 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: April 25, 2017.

Eduardo Aleman,

Assistant Secretary.

[FR Doc. 2017–08766 Filed 4–28–17; 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:

Form N–17D–1, SEC File No. 270–231, OMB Control No. 3235–0229.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Section 17(d) (15 U.S.C. 80a–17(d)) of the Investment Company Act of 1940 (''Act'') authorizes the Commission to adopt rules that protect funds and their security holders from overreaching by affiliated persons when the fund and the affiliated person participate in any joint enterprise or other joint arrangement or profit-sharing plan. Rule 17d–1 under the Act (17 CFR 270.17d–1) prohibits funds and their affiliated persons from participating in a joint enterprise, unless an application regarding the transaction has been filed with and approved by the Commission. Paragraph (d)(3) of the rule provides an exemption from this requirement for any loan or advance of credit to, or acquisition of securities or other property of, a small business concern, or any agreement to do any of the foregoing (''investments'') made by a small business investment company (''SBIC'') and an affiliated bank, provided that reports about the investments are made on forms the Commission may prescribe. Rule 17d–2 (17 CFR 270.17d–2) designates Form N–17D–1 (17 CFR 274.200) (''form'') as the form for reports required by rule 17d–1.

SBICs and their affiliated banks use form N–17D–1 to report any contemporaneous investments in a small business concern. The form provides shareholders and persons seeking to make an informed decision about investing in an SBIC an opportunity to learn about transactions of the SBIC that have the potential for self dealing and other forms of overreaching by affiliated persons at the expense of shareholders.

Form N–17D–1 requires SBICs and their affiliated banks to report identifying information about the small business concern and the affiliated bank. The report must include, among other things, the SBIC's and affiliated bank's outstanding investments in the small business concern, the use of the proceeds of the investments made during the reporting period, any changes in the nature and amount of the affiliated bank's investment, the name of any affiliated person of the SBIC or the affiliated bank (or any affiliated person of the affiliated person of the SBIC or the affiliated bank) who has any interest in the transactions, the basis of the affiliation, the nature of the interest, and the consideration the affiliated person has received or will receive.

Up to two SBICs may file the form in any year.[1] The Commission estimates the burden of filling out the form is approximately one hour per response and would likely be completed by an accountant or other professional. Based on past filings, the Commission estimates that no more than one SBIC is likely to use the form each year. Most of the information requested on the form should be readily available to the SBIC or the affiliated bank in records kept in the ordinary course of business, or with respect to the SBIC, pursuant to the recordkeeping requirements under the Act. Commission staff estimates that it should take approximately one hour for an accountant or other professional to complete the form.[2] The estimated total annual burden of filling out the form is 1 hour, at an estimated total annual cost of $201.[3] The Commission will not keep responses on Form N–17D–1 confidential.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules. 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: April 25, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08762 Filed 4–28–17; 8:45 am]

BILLING CODE 8011–01–P

[1] As of December 31, 2016, two SBICs were registered with the Commission.

[2] This estimate of hours is based on past conversations with representatives of SBICs and accountants that have filed the form.

[3] Commission staff estimates that the annual burden would be incurred by a senior accountant with an average hourly wage rate of $201 per hour. This wage is from SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified to account for an 1800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits, and overhead.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80520; File No. SR–FICC–2017–802]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Extension of Review Period of Advance Notice To Implement the Capped Contingency Liquidity Facility in the Government Securities Division Rulebook

April 25, 2017.

On March 1, 2017, Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') advance notice SR–FICC–2017–802 (''Advance

Notice'') pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act'') [1] and Rule 19b–4(n)(1)(i) under the Securities Exchange Act of 1934 (''Exchange Act'').[2] The Advance Notice was published for comment in the **Federal Register** on March 15, 2017.[3] The Commission received one comment on the proposal contained in the Advance Notice.[4]

Section 806(e)(1)(G) of the Clearing Supervision Act provides that FICC may implement the changes if it has not received an objection to the proposed changes within 60 days of the later of (i) the date that the Commission receives the Advance Notice or (ii) the date that any additional information requested by the Commission is received,[5] unless extended as described below.

Pursuant to Section 806(e)(1)(H) of the Clearing Supervision Act, the Commission may extend the review period of an advance notice for an additional 60 days, if the changes proposed in the advance notice raise novel or complex issues, subject to the Commission providing the clearing agency with prompt written notice of the extension.[6]

Here, as the Commission has not requested any additional information, the date that is 60 days after FICC filed the Advance Notice with the Commission is April 30, 2017. However, the Commission finds the Advance Notice complex because the material aspects of the proposal are detailed, substantial, and are interrelated with other risk management practices at FICC, and therefore finds it appropriate to extend the review period of the Advance Notice for an additional 60 days under Section 806(e)(1)(H) of the Clearing Supervision Act.[7]

Accordingly, the Commission, pursuant to Section 806(e)(1)(H) of the Clearing Supervision Act,[8] extends the review period for an additional 60 days so that the Commission shall have until June 29, 2017 to issue an objection or non-objection to the Advance Notice (File No. SR–FICC–2017–802).

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08698 Filed 4–28–17; 8:45 am]

BILLING CODE 8011–01–P

[1] 12 U.S.C. 5465(e)(1). The Financial Stability Oversight Council designated FICC a systemically important financial market utility on July 18, 2012. *See* Financial Stability Oversight Council 2012 Annual Report, Appendix A, *http://www.treasury.gov/initiatives/fsoc/Documents/2012%20Annual%20Report.pdf.* Therefore, FICC is required to comply with the Payment, Clearing and Settlement Supervision Act and file advance notices with the Commission. *See* 12 U.S.C. 5465(e).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] Securities Exchange Act Release No. 80191 (March 9, 2017), 82 FR 13876 (March 15, 2017) (SR–FICC–2017–802). FICC also filed a related proposed rule change (SR–FICC–2017–002) with the Commission pursuant to Section 19(b)(1) of the Exchange Act and Rule 19b–4 thereunder, seeking approval of changes to its rules necessary to implement the Advance Notice (''Proposed Rule Change''). 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively. The Proposed Rule Change was published in the **Federal Register** on March 20, 2017. Securities Exchange Act Release No. 80234 (March 14, 2017), 82 FR 14401 (March 20, 2017) (SR–FICC–2017–002).

[4] *See* letter from Robert E. Pooler, Chief Financial Officer, Ronin Capital LLC, dated April 10, 2017, to Robert W. Errett, Deputy Secretary, Commission, *available at https://www.sec.gov/comments/sr-ficc-2017-002/ficc2017002-1694243-149787.pdf.* Because the proposals contained in the Advance Notice and Proposed Rule Change raise the same substantive issues, *supra* note 3, the Commission is considering all public comments received on the proposal regardless of whether the comments were submitted to the Advance Notice or the Proposed Rule Change.

[5] 12 U.S.C. 5465(e)(1)(G).

[6] 12 U.S.C. 5465(e)(1)(H).

[7] *Id.*

[8] *Id.*

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80525; File No. SR–ISE–2017–33]

Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Delay the Implementation of Simultaneous Complex Order Auctions

April 25, 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 17, 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 delay implementation of simultaneous complex order auctions in the same complex strategy in connection with a system migration to Nasdaq INET technology.

The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

ISE offers various complex order auctions that are designed to provide members an opportunity to trade and to potentially receive price improvement for complex orders that are entered on the Exchange, including an ''Exposure'' auction pursuant to Rule 722(b)(3)(iii), a Complex Price Improvement Mechanism (''PIM'') pursuant to Supplementary Material .09 to Rule 723, a Complex Facilitation Mechanism pursuant to Supplementary Material .08 to Rule 716, and Complex Solicited Order Mechanism also pursuant to Supplementary Material .08 to Rule 716.

The purpose of the proposed rule change is to delay implementation of simultaneous complex order auctions in the same complex strategy in connection with a system migration to Nasdaq INET technology.[3] No other changes to the complex order auction mechanisms are being proposed, and these auctions will continue to function as they do today, with the exception

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80432 (April 11, 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). 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''), NASDAQ BX, Inc. (''BX''), and introduced recently on Nasdaq GEMX, LLC (''GEMX''). The migration of ISE to the INET architecture would result in higher performance, scalability, and more robust architecture.

that after the migration to the INET platform a member will not be permitted to initiate a complex order auction in a particular complex strategy if another complex order auction is already ongoing in that complex strategy. With this proposed change, the Exchange will handle multiple complex order auctions in the same complex strategy in a manner that is consistent with implementation on other options exchanges,[4] and will reintroduce simultaneous complex order auctions in the same complex strategy at a later date within one year of this filing.

Today, only one PIM may be ongoing at any given time in a series or complex strategy, and PIMs are not permitted to queue or overlap in any manner; [5] however, there are no similar restrictions for non-PIM auctions, and any such auctions may be processed concurrently, including in parallel with a PIM auction. For example, while the trading system would prohibit a member from entering a PIM auction when another PIM auction is already ongoing in a complex strategy, if there was an Exposure auction already running a member would be able to start a PIM, Facilitation, Solicitation, or even another Exposure auction in that strategy. This allows maximum ability of members to express their trading intent on the Exchange by permitting multiple complex order auctions in the same complex strategy to be ongoing at any particular time.

Nevertheless, other options exchanges do not offer the same functionality for simultaneous complex order auctions in a complex strategy provided by the Exchange. The Exchange's affiliate, Nasdaq Phlx, LLC (''Phlx''), for example, does not allow the initiation of a Complex Order Live Auction (''COLA'') when there is already a Price Improvement XL (''PIXL'') auction already ongoing in the strategy.[6] Similarly, MIAX can limit the frequency of Complex Auctions by establishing a minimum time period between such auctions,[7] and permits only one Complex Auction per strategy to be in progress at any particular time.[8]

In order to give the Exchange additional time to develop and test this functionality, the Exchange proposes to delay the implementation of simultaneous complex order auctions in the same complex strategy in connection with the migration of the trading system to the INET platform. With the proposed change, only one complex order auction may be ongoing at any given time in a complex strategy, and such auctions will not queue or overlap in any manner. For PIM, Facilitation, or Solicitation auctions, the Exchange will reject a complex order auction of the same or different auction type in a complex strategy that is initiated while another complex order auction is ongoing in that complex strategy.[9] In the case where a complex order auction has already been initiated in a complex strategy, an Exposure auction for an order for that strategy will not be initiated and the order will be processed as a complex order that is not marked for price improvement,[10] instead of rejecting the complex order. If the member requested the order to be cancelled after the exposure period, then the complex order will be cancelled back to the member. Simultaneous complex order auctions in the same complex strategy will be subsequently rolled out on the INET trading system within one year of the date of filing of this proposed rule change. The Exchange is staging the re-platform of its trading system to provide maximum benefit to its members while also ensuring a successful rollout. This delay in implementing simultaneous complex order auctions in the same complex strategy will provide the Exchange additional time to test and implement this functionality on the INET platform.

The Exchange believes that implementing simultaneous complex order auctions in the same complex strategy at a later date will not have a significant impact on members as it is rare for multiple complex order auctions in a complex strategy to be ongoing at a particular time. This is particularly the case today due to the recent decrease in the Exchange's auction timers to 100 milliseconds.[11] The Exchange notes that simultaneous complex order auctions in a strategy only occur approximately 0.5% of the time that an auction runs on the Exchange. The Exchange therefore believes that the impact on members will be insignificant, and if a member does have auction eligible interest to execute when another complex order auction is ongoing, the member can either re-submit that order to the Exchange, after the auction has concluded, or submit it to another options market that provides similar auction functionality. In this regard, the Exchange notes that its market data feeds provide information to members about when a complex order auction is ongoing, and members can therefore use this information to make appropriate routing decisions based on applicable market conditions.

Implementation

The proposed rule change will be implemented on the Exchange's new INET trading system, which is scheduled to launch in Q2 2017.[12] The INET migration will take place on a symbol by symbol basis [13] as specified by the Exchange in a notice to be provided to Members.[14] The Exchange is proposing to implement this rule change on the INET platform as the symbols migrate to that platform. As such, the proposed change will be rolled out in symbols as they migrate to the INET platform, at which point only one complex order auction will be permitted to be ongoing in a complex strategy. Members will still be able to use all of the Exchange's complex order auctions, provided that there is not another auction already ongoing in the complex strategy. The Exchange will issue an Options Trader Alert to all members notifying them that simultaneous complex order auctions will no longer be available with the symbol migration to INET. The Exchange proposes to launch the simultaneous complex order auction functionality on the INET platform within one year from the date

[4] *See* infra notes 6–8 and accompanying text.

[5] *See* Supplementary Material .04 to Rule 723.

[6] *See* Phlx Rule 1098(e)(2). Phlx would also similarly not allow a PIXL auction to be initiated if there is a COLA already ongoing in the complex strategy.

[7] *See* MIAX Rule 518(d)(2).

[8] *See* Securities Exchange Act Release Nos. 78620 (August 18, 2016), 81 FR 58769, 58799 (August 25, 2016) (Notice); 79072 (October 7, 2016), 81 FR 71131 (October 14, 2016)) (Approval) (SR–MIAX–2016–26).

[9] The rejection message sent to the member will contain an appropriate reason code indicating that the auction was rejected due to another ongoing complex order auction in the same complex strategy.

[10] Currently, an Exposure order auction is automatically initiated when a member submits an eligible complex order that is marked for price improvement. *See* Rule 722(b)(3)(iii). Pursuant to Rule 722(b)(3)(iii), complex orders may be marked for price improvement, and if so marked, the complex order may be exposed on the complex order book for a period of up to one-second before being automatically executed. Members can also request that their complex orders be cancelled after the exposure period.

[11] *See* Securities Exchange Act Release No. 79733 (January 4, 2017), 82 FR 3055 (January 10, 2017) (SR–ISE–2016–26) (permitting the Exchange to determine auction timers for PIM, Facilitation, and Solicitation within a range of 100 milliseconds and one second). Each of these auction timers are currently set to 100 milliseconds—*i.e.,* the bottom of the range approved in the filing. Exposure auctions can be any duration up to one second (*See* Rule 722(b)(3)), and are also currently set to 100 milliseconds.

[12] *See* supra note 3.

[13] When a symbol is migrated to INET, all strikes and strategies will migrate with that symbol.

[14] 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.

of filing of this rule change to be announced in an Options Trader Alert.

2. Statutory Basis

The Exchange believes that the proposed rule change 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.[15] In particular, the proposal is consistent with Section 6(b)(5) of the Act,[16] because it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is consistent with the Act as it will provide additional time for the Exchange to rebuild this technology on the INET platform. By delaying the implementation of simultaneous complex order auctions in a complex strategy, the Exchange will have additional time to test and implement this functionality. The Exchange will provide members with ample notice of the delayed implementation of this functionality in an Options Trader Alert, and will continue to provide notifications to members to ensure clarity about the availability of this functionality with the symbol migration. The Exchange will also issue an Options Trader Alert indicating when simultaneous complex order auctions in a complex strategy will become available on the INET platform.

The Exchange does not anticipate that the proposed rule change will have any meaningful impact with respect to members' ability to execute complex order auctions as similar restrictions are already in place on other options exchanges.[17] Simultaneous complex order auctions in a complex strategy are rare, and therefore the vast majority of the time members will be able to enter a complex order auction notwithstanding the temporary delay of the implementation of concurrent auctions. With respect to Exposure auctions, in the case where another complex order auction in the same strategy has already been initiated, the Exchange proposes to allow the complex order to continue to be processed without an auction in the same manner as complex orders that are not marked for price improvement. If the member has marked the complex order to be cancelled after the exposure period, however, the Exchange will cancel the order back to the member consistent with that instruction. If the member is not able to initiate a complex order auction because another complex order auction in the same strategy has been initiated, the member may either re-initiate the auction after the auction concludes or submit the order to another options market that offers similar functionality. Thus, members will be able to continue to express their trading intent regardless of the proposed delay in concurrent auction functionality. When the simultaneous complex order auction functionality is rebuilt and appropriately tested, the Exchange will then reintroduce this functionality.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[18] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is designed to prevent simultaneous complex order auctions in a complex strategy in connection with the migration of the trading system to INET technology, and is not designed to have any significant competitive impact. Similar restrictions are already in place on other options exchanges.[19] 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 initiate simultaneous auctions in the same complex order strategy.

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[20] and subparagraph (f)(6) of Rule 19b–4 thereunder.[21]

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–2017–33 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–ISE–2017–33. 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

[15] 15 U.S.C. 78f(b).

[16] 15 U.S.C. 78f(b)(5).

[17] *See* supra notes 6–8 and accompanying text.

[18] 15 U.S.C. 78f(b)(8).

[19] *See* supra notes 6–8 and accompanying text.

[20] 15 U.S.C. 78s(b)(3)(A)(iii).

[21] 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.

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–2017–33 and should be submitted on or before May 22, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08702 Filed 4–28–17; 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:

Rule 17f–7, SEC File No. 270–470, OMB Control No. 3235–0529.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collections of information discussed below.

Rule 17f–7 (17 CFR 270.17f–7) permits a fund under certain conditions to maintain its foreign assets with an eligible securities depository, which has to meet minimum standards for a depository. The fund or its investment adviser generally determines whether the depository complies with those requirements based on information provided by the fund's primary custodian (a bank that acts as global custodian). The depository custody arrangement also must meet certain conditions. The fund or its adviser must receive from the primary custodian (or its agent) an initial risk analysis of the depository arrangements, and the fund's contract with its primary custodian must state that the custodian will monitor risks and promptly notify the fund or its adviser of material changes in risks. The primary custodian and other custodians also are required to agree to exercise at least reasonable care, prudence, and diligence.

The collection of information requirements in rule 17f–7 are intended to provide workable standards that protect funds from the risks of using foreign securities depositories while assigning appropriate responsibilities to the fund's primary custodian and investment adviser based on their capabilities. The requirement that the foreign securities depository meet specified minimum standards is intended to ensure that the depository is subject to basic safeguards deemed appropriate for all depositories. The requirement that the fund or its adviser must receive from the primary custodian (or its agent) an initial risk analysis of the depository arrangements, and that the fund's contract with its primary custodian must state that the custodian will monitor risks and promptly notify the fund or its adviser of material changes in risks, is intended to provide essential information about custody risks to the fund's investment adviser as necessary for it to approve the continued use of the depository. The requirement that the primary custodian agree to exercise reasonable care is intended to provide assurances that its services and the information it provides will meet an appropriate standard of care.

The staff estimates that each of approximately 992 investment advisers[1] will make an average of 8 responses annually under the rule to address depository compliance with minimum requirements, any indemnification or insurance arrangements, and reviews of risk analyses or notifications. The staff estimates each response will take 6 hours, requiring a total of approximately 48 hours for each adviser.[2] Thus the total annual burden associated with these requirements of the rule is approximately 47,616 hours.[3] The staff further estimates that during each year, each of approximately 15 global custodians will make an average of 4 responses to analyze custody risks and provide notice of any material changes to custody risk under the rule. The staff estimates that each response will take 260 hours, requiring approximately 1,040 hours annually per global custodian.[4] Thus the total annual burden associated with these requirements is approximately 15,600 hours.[5] The staff estimates that the total annual hour burden associated with all collection of information requirements of the rule is therefore 63,216 hours.[6]

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. Compliance with the collection of information requirements of the rule is necessary to obtain the benefit of relying on the rule's permission for funds to maintain their assets in foreign custodians. The information provided under rule 17f–7 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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: April 25, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08763 Filed 4–28–17; 8:45 am]

BILLING CODE 8011–01–P

[22] 17 CFR 200.30–3(a)(12).

[1] In October 2016, Commission staff estimated that, as of June 2016, 992 investment advisers managed or sponsored open-end registered funds (including exchange-traded funds) and closed-end registered funds.

[2] 8 responses per adviser × 6 hours per response = 48 hours per adviser.

[3] 992 advisers × 48 hours per adviser = 47,616 hours.

[4] 260 hours per response × 4 responses per global custodian = 1,040 hours per global custodian.

[5] 15 global custodians × 1,040 hours per global custodian = 15,600 hours.

[6] 47,616 hours + 15,600 hours = 63,216 hours.

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:

Form N–8B–4, SEC File No. 270–180, OMB Control No. 3235–0247.

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'') requests for extension of the previously approved collection of information discussed below.

Form N–8B–4 (17 CFR 274.14) is the form used by face-amount certificate companies to comply with the filing and disclosure requirements imposed by Section 8(b) of the Investment Company Act of 1940 (15 U.S.C. 80a–8(b)). Among other items, Form N–8B–4 requires disclosure of the following information about the face-amount certificate company: Date and form of organization; controlling persons; current business and contemplated changes to the company's business; investment, borrowing, and lending policies, as well as other fundamental policies; securities issued by the company; investment adviser; depositaries; management personnel; compensation paid to directors, officers, and certain employees; and financial statements. The Commission uses the information provided in the collection of information to determine compliance with Section 8(b) of the Investment Company Act of 1940.

Form N–8B–4 and the burden of compliance have not changed since the last approval. Each registrant files Form N–8B–4 for its initial filing and does not file post-effective amendments to Form N–8B–4.[1] Commission staff estimates that no respondents will file Form N–8B–4 each year. There are currently only four existing face-amount certificate companies, and none have filed a Form N–8B–4 in many years. No new face-amount certificate companies have been established since the last OMB information collection approval for this form, which occurred in 2014. Accordingly, the staff estimates that, each year, no face-amount certificate companies will file Form N–8B–4, and that the total burden for the information collection is zero hours. Although Commission staff estimates that there is no hour burden associated with Form N–8B–4, the staff is requesting a burden of one hour for administrative purposes. Estimates of the burden hours are made solely for the purposes of the PRA and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms.

The information provided on Form N–8B–4 is mandatory. The information provided on Form N–8B–4 will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid 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: April 25, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08761 Filed 4–28–17; 8:45 am]

BILLING CODE 8011–01–P

[1] Pursuant to Section 30(b)(1) of the Act, each respondent keeps its registration statement current through the filing of periodic reports as required by Section 13 of the Securities Exchange Act of 1934 and the rules thereunder. Post-effective amendments are filed with the Commission on the face-amount certificate company's Form S–1. Hence, respondents only file Form N–8B–4 for their initial registration statement and not for post-effective amendments.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–80522; File No. SR–C2–2017–009]

Self-Regulatory Organizations; C2 Options Exchange, Incorporated; Order Approving a Proposed Rule Change To Amend the Bylaws and Certificate of Incorporation

April 25, 2017.

I. Introduction

On February 22, 2017, C2 Options Exchange, Incorporated (''Exchange'' or ''C2'') 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 amend its Bylaws [3] and Certificate of Incorporation.[4] The Commission published the proposed rule change for comment in the **Federal Register** on March 13, 2017.[5] The Commission received no comments on the proposal. This order approves the proposed rule change.

II. Description of the Proposed Rule Change

First, the Exchange proposes to amend its Bylaws relating to the Board of Directors (''Board'') size range. Currently, Section 3.1 of the Bylaws provides that the Board shall consist of not less than 12 and not more than 16 directors. The Exchange proposes to change the Board size range such that the Board shall consist of no less than five directors. The Exchange also proposes to make conforming changes to its Certificate of Incorporation by amending subparagraph (b) of Article Fifth to also provide that the Board shall consist of not less than five directors and to eliminate the current referenced range of 12 to 16 directors.[6]

Second, the Exchange proposes to eliminate the Exchange-level Compensation Committee. C2 is proposing to delete Section 4.3 of the Bylaws, which provides for the C2 Compensation Committee, and to delete a reference to the C2 Compensation Committee in Section 4.1(a) of the Bylaws (which lists the required Board committees). C2 also proposes to eliminate the reference to the C2 Compensation Committee in Section 5.11 of the Bylaws, which provides that officers are entitled to salaries, compensation or reimbursement as shall be fixed or allowed from time to time by the Board unless otherwise delegated to the Board's Compensation Committee or to senior management. The Exchange justifies eliminating the C2 Compensation Committee because its functions largely are duplicative of

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Amended and Restated Bylaws of C2 Options Exchange, Incorporated (''Bylaws'').

[4] *See* Amended and Restated Certificate of Incorporation of C2 Options Exchange, Incorporated (''Certificate of Incorporation'').

[5] *See* Securities Exchange Act Release No. 80166 (March 7, 2017), 82 FR 13518 (''Notice'').

[6] *Id.*

those of the Compensation Committee of its parent company, CBOE Holdings.[7]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of Section 6 of the Act,[8] and the rules and regulations thereunder applicable to a national securities exchange.[9] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(1) of the Act,[10] which requires a national securities exchange to be so organized and have the capacity to carry out the purposes of the Act and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of the Act. The Commission also finds that the proposed rule change is consistent with Section 6(b)(3) of the Act,[11] which requires that the rules of a national securities exchange assure a fair representation of its members in the selection of its directors and administration of its affairs and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the exchange, broker, or dealer. The Commission further finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[12] which requires, among other things, that a national securities exchange have rules 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 particular, the Commission notes that the proposal to require at least five directors for the Board, rather than a required range of not less than 12 and not more than 16, is comparable to the board size requirements stipulated in the bylaws of at least one other exchange, which was approved by the Commission.[13] Importantly, the Exchange represents that it is not proposing to amend any of the compositional requirements of the Board, including its provision relating to the fair representation of members, which are set forth in Section 3.2 of the Bylaws.[14] The Commission notes that the Exchange represents that, while the proposal provides the Board with greater flexibility to determine the size of the Board without amending the Bylaws, it will continue to allow the Exchange to ensure that the Board is of adequate size and includes directors with relevant and diverse experience.[15] The Exchange also notes that it has no current plans to change the size of its Board outside of the original range of 12–16 directors.[16]

With regard to the proposal to eliminate the C2 Compensation Committee, the Commission notes that this change is comparable to the governing structures of other exchanges, which the Commission has previously approved.[17] As more fully set forth in the Notice, the Exchange explains that the C2 Compensation Committee's responsibilities largely are duplicative of those of the corresponding Compensation Committee of CBOE Holdings, other than to the extent that the C2 Compensation Committee recommends the compensation of executive officers whose compensation is not already determined by the CBOE Holdings Compensation Committee.[18] Accordingly, under the proposed rule change, such functions now will be performed by the CBOE Holdings Compensation Committee or as otherwise provided in the Bylaws.[19] The Commission notes that the Exchange represents that currently, each of the executive officers whose compensation would need to be determined by the Compensation Committee are officers of both C2 and CBOE Holdings, but should compensation need to be determined in the future for any C2 officer who is not also a CBOE Holdings officer, the C2 Board or C2 senior management will perform such action without the use of a compensation committee, as provided for in Section 5.11 of the Bylaws.[20] Further, the Commission notes that the C2 Regulatory Oversight and Compliance Committee (''ROCC'') of the Board will continue to recommend to the Board the compensation for the Chief Regulatory Officer and any Deputy Chief Regulatory Officers, and this process is not be affected by this proposed rule change.

For the reasons noted above, the Commission finds that the proposed rule change is consistent with the Act.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[21] that the proposed rule change (SR–C2–2017–009) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–08699 Filed 4–28–17; 8:45 am]

BILLING CODE 8011–01–P

[7] *Id.* at 13518–19. The Exchange notes that the composition of both committees currently are the same. *See id.* at 13518 n.6.

[8] 15 U.S.C. 78f.

[9] 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).

[10] 15 U.S.C. 78f(b)(1).

[11] 15 U.S.C. 78f(b)(3).

[12] 15 U.S.C. 78f(b)(5).

[13] *See* Securities Exchange Act Release No. 69884 (June 27, 2013), 78 FR 40255 (July 3, 2013) (SR–BYX–2013–013) (providing that the BATS Y-Exchange board of directors will consist of four or more directors).

[14] *See* Notice, *supra* note 5, at 13518.

[15] *See id.* at 13519.

[16] *See id.* at 13518 n.3.

[17] *See e.g.,* Securities Exchange Act Release No. 60276 (July 9, 2009), 74 FR 34840 (July 17, 2009) (SR–NASDAQ–2009–042); s*ee also* Securities Exchange Act Release No. 62304 (June 16, 2010), 75 FR 36136 (June 24, 2010) (SR–NYSEArca–2010–31).

[18] *See* Notice, *supra* note 5, at 13518–9.

[19] *Id.*

[20] *See* Bylaws Section 5.11 (providing that ''[o]fficers of the Corporation shall be entitled to such salaries, compensation or reimbursement as shall be fixed or allowed from time to time by the Board unless otherwise delegated to the Compensation Committee of the Board or to members of senior management'').

[21] 15 U.S.C. 78s(b)(2).

[22] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before May 31, 2017.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New

Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov*.

SUPPLEMENTARY INFORMATION: SBA regulations at 13 CFR, Section 120.830 requires CDCs to submit an annual report which contains financial statements, operational and management information. This information is used by SBA's district offices, Office of Credit Risk Management, and Office of Financial Assistance to obtain information from the CDCs that is used to evaluate whether CDCs are operating according to the statutes, regulations and policies governing the CDC loan program (504 program).

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Copies

A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

Summary of Information Collections

Title: Certified Development Company (CDC) Annual Report Guide.

Description of Respondents: Small Business Lending Companies.

Form Number: SBA Form 1253.

Total Estimated Annual Responses: 260.

Total Estimated Annual Hour Burden: 7, 280.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2017–08757 Filed 4–28–17; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before May 31, 2017.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030, *curtis.rich@sba.gov.*

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: Section 7(a) of the Small Business Act authorizes the Small Business Administration to guaranty loans in each of the 7(a) Programs. The regulations covering these and other loan programs at 13 CFR part 120 require certain information from loan applicants and lenders that is used to determine program eligibility and compliance.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: Borrower Information Form, Lenders Application for Guaranty, and 7(a) Loan.

Description of Respondents: 7(a) Program Participants.

Form Number: SBA Forms 1919, 1920 Parts A, B, C, 2237, 2238.

Total Estimated Annual Responses: 110,000.

Total Estimated Annual Hour Burden: 27,959.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2017–08771 Filed 4–28–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 9982]

Advisory Committee on International Economic Policy; Notice of Charter Renewal

The Department of State has renewed the charter of the Advisory Committee on International Economic Policy (''the Committee'').

The Committee provides advice on opportunities and challenges in international economic policy, including performance of the following functions: (a) To provide information and advice on the effective integration of economic interests into overall foreign policy; (b) to appraise the role of international economic institutions; and (c) to provide information and advice on the Department of State's role in advancing U.S. economic and commercial interests in the global economy. The Committee's activities are advisory only.

The Committee is established under the general authority of the Secretary of State and the Department of State as set forth in Title 22 of the United States Code, in particular section 2656 of that Title and consistent with Federal Advisory Committee Act (5 U.S.C., Appendix).

For additional information, contact Alan Krill, Bureau of Economic and Business Affairs, at (202) 647–2231, or *KrillA@state.gov.*

Alan Krill,

Designated Federal Officer, Department of State.

[FR Doc. 2017–08717 Filed 4–28–17; 8:45 am]

BILLING CODE 4710–AE–P

SURFACE TRANSPORTATION BOARD

Release of Waybill Data

The Surface Transportation Board has received a request from a Ph.D. candidate at Duke University. (WB17–18—4/23/17) for permission to use unmasked data from the Board's 1984–2010 Carload Waybill Samples. A copy of this request may be obtained from the Office of Economics.

The waybill sample contains confidential railroad and shipper data;

therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

Contact: Alexander Dusenberry, (202) 245–0319.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2017–08756 Filed 4–28–17; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent of waiver with respect to land; Flying Cloud Airport, Minneapolis, Minnesota.

SUMMARY: The FAA is considering a proposal to change 4.53 acres of airport land from aeronautical use to non-aeronautical use and to authorize the lease of airport property located at Flying Cloud Airport, Minneapolis, Minnesota. The aforementioned land is not needed for aeronautical use. The property is located northeast of the airport's Gate H and south of Pioneer Trail. This parcel has been vacant since the 1950's with drainage ditches on three sides. The proposed use of the property is to lease the parcel for development of commercial/retail space.

DATES: Comments must be received on or before May 31, 2017.

ADDRESSES: Documents are available for review by appointment at the FAA Dakota-Minnesota Airports District Office, Nancy Nistler, Program Manager, 6020 28th Avenue South, Suite 102, Minneapolis, MN 55450 Telephone: (612) 253–4638/Fax: (612) 253–4611.

Written comments on the Sponsor's request must be delivered or mailed to: Nancy Nistler, Program Manager, Federal Aviation Administration, Dakota-Minnesota Airports District Office, 6020 28th Avenue South, Suite 102, Minneapolis, MN 55450 Telephone: (612) 253–4638/Fax: (612) 253–4611.

FOR FURTHER INFORMATION CONTACT: Nancy Nistler, Program Manager, Federal Aviation Administration, Dakota-Minnesota Airports District Office, 6020 28th Avenue South, Suite 102, Minneapolis, MN 55450 Telephone: (612) 253–4638/Fax: (612) 253–4611.

SUPPLEMENTARY INFORMATION: In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

The property is currently vacant, unimproved land maintained for compatible land use surrounding the airfield. The property was acquired by the Metropolitan Airports Commission in 1957–1958. The southeastern portion was acquired through the use of federal funds and the northwestern portion was purchased without the use of federal funds. The proposed non-aeronautical land use would be for compatible commercial/retail development, allowing the airport to become more self-sustaining. The airport will receive fair market value for the lease of this property.

The disposition of proceeds from the lease of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999 (64 FR 7696).

This notice announces that the FAA is considering the release of the subject airport property at the Flying Cloud Airport, Minneapolis, Minnesota from its obligations to be maintained for aeronautical purposes. Approval does not constitute a commitment by the FAA to financially assist in the change in use of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA.

Property Description: That part of the south half of the Southeast Quarter of Section 21, and that part of the north half of the Northeast Quarter of Section 28, Township 116 North, Range 22 West, Hennepin County, Minnesota, described as follows:

Commencing at the southeast corner of said Section 21; thence South 89 degrees 00 minutes 14 seconds West, assumed bearing, along the south line of said south half of the Southeast Quarter 1037.26 feet to a point on the southwesterly right of way line of Pioneer Trail, also known as Hennepin County State Aid Highway No. 1; thence North 57 degrees 43 minutes 08 seconds West along said right of way 25.45 feet; thence North 63 degrees 25 minutes 46 seconds West along said right of way 25.89 feet; thence northwesterly along said right of way 195.78 feet along a tangential curve, concave to the southwest center angle 00 degrees 59 minutes 01 seconds, radius 11,405.16 feet; thence North 64 degrees 24 minutes 47 seconds West along said right of way, tangent to said curve 326.10 feet; thence South 68 degrees 03 minutes 41 seconds West along said right of way 41.17 feet; thence South 24 degrees 58 minutes 15 seconds West 47.31 feet; thence southerly 83.43 feet along a tangential curve, concave to the east, central angle 47 degrees 19 minutes 37 seconds, radius 101.00 feet; thence southerly 118.21 feet along a reverse curve, concave to the west, central angle 47 degrees 18 minutes 52 seconds, radius 143.14 feet; thence South 24 degrees 57 minutes 30 seconds West, along tangent 134.18 feet; thence South 78 degrees 58 minutes 39 seconds East 607.83 feet; thence North 26 degrees 07 minutes 23 seconds East 224.82 feet to said southwesterly right of way line, thence North 63 degrees 25 minutes 46 seconds West along said right of way 7.57 feet; thence North 57 degrees 43 minutes 08 seconds West along said right of way 65.00 feet to the point of beginning.

Issued in Minneapolis, Minnesota, on April 17, 2017.

Andy Peek,

Manager, Dakota-Minnesota Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2017–08752 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2017–0325]

Airport Privatization Pilot Program: Preliminary Application for St. Louis Lambert International Airport, St. Louis, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of receipt and acceptance for review.

SUMMARY: The FAA has completed its review of the St. Louis Lambert International Airport (STL) preliminary application for participation in the Airport Privatization Pilot Program. The preliminary application is accepted for review, with a filing date of March 22, 2017. The City of St. Louis, the airport sponsor, may proceed with the necessary steps to select a private operator, negotiate an agreement and submit a final application to the FAA for exemption under the pilot program.

FOR FURTHER INFORMATION CONTACT: Kevin C. Willis, Director, Airport Compliance and Management Analysis,

ACO–1, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267–3085.

SUPPLEMENTARY INFORMATION:

Background

Title 49 U.S.C. 47134 establishes an airport privatization pilot program and authorizes the Department of Transportation to grant exemptions from certain Federal statutory and regulatory requirements for up to ten airport privatization projects. The application procedures require the FAA to publish a notice in the **Federal Register** after review of a preliminary application. The FAA must publish a notice of receipt of the final application in the **Federal Register** for public review and comment for a sixty-day period. The STL preliminary application is available for public review at *http://www.regulations.gov.* The docket number is FAA Docket No. 2017–0325.

Title 49 U.S.C. 47134 authorizes the Secretary of Transportation, and through delegation, the FAA Administrator, to exempt a sponsor of a public use airport that has received Federal assistance, from certain Federal requirements in connection with the privatization of the airport by sale or lease to a private party. Specifically, the Administrator may exempt the sponsor from all or part of the requirements to use airport revenues for airport-related purposes, to pay back a portion of Federal grants upon the sale or lease of an airport, and to return airport property deeded by the Federal Government upon transfer of the airport. The Administrator is also authorized to exempt the private purchaser or lessee from the requirement to use all airport revenues for airport-related purposes, to the extent necessary to permit the purchaser or lessee to earn compensation from the operations of the airport.

On September 16, 1997, the FAA issued a Notice of procedures to be used in applications for exemption under the Airport Privatization Pilot Program (62 FR 48693). A request for participation in the pilot program must be initiated by the filing of either a preliminary or final application for exemption with the FAA.

The City of St. Louis submitted a preliminary application to the FAA for St. Louis Lambert International Airport on March 22, 2017; the preliminary application is accepted for review, with the same filing date. The City may select a private operator, negotiate an agreement and submit a final application to the FAA for exemption.

If the FAA accepts the final application for review, the application will be made available for public review and comment for a 60-day period.

Issued in Washington, DC, on April 21, 2017.

Kevin C. Willis,

Director, Office of Airport Compliance and Management Analysis.

[FR Doc. 2017–08751 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Supplemental Type Certificates SA401SW, SE325SW, SE419SW (Original Product Type Certificate Numbers A1CE, 2A13, 1A15, 1A10, 2A3, 273, E5CE, 3E1, E246, and E267)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for information on holder of supplemental type certificates (STC's) prior to FAA declaring STC abandoned.

SUMMARY: This Notice requests the current holder(s)—or their heirs—of STC's SA401SW, Full flow oil filter; SE325SW, Full flow oil filter; SE419SW, Full flow oil filter; come forward and identify themselves before the FAA declares these STC's abandoned.

DATES: We must receive all correspondence by October 30, 2017.

FOR FURTHER INFORMATION CONTACT: Send all correspondence on this issue to: Federal Aviation Administration, Chicago Aircraft Certification Office, 2300 East Devon Avenue, Room 107, Des Plaines, IL 60018. *Attn:* JoWanna Jenkins, ACE–116C1. All letters must be certified and signed. You may also contact Ms. Jenkins by phone at (847) 294–7145, or electronically at *jowanna.jenkins@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA has received a third party request for the release of data for STC's SA401SW, SE325SW, and SE419SW under the provisions the Freedom of Information Act (FOIA), 5 U.S.C. 552. The FAA cannot release the requested data without the permission of the STC holder. The STC holder last listed on the certificate record is the Superior Flow Company, Division of A & E Manufacturing Inc.; Detroit, MI. The FAA has been unsuccessful in contacting the Superior Flow Company by telephone, email, and/or certified mail. There has been no activity with this STC holder for more than 3 years.

Information Requested

If you are the owner, or heir, or a transferee of STC's SA401SW, SE325SW, or SE419SW, or have any knowledge regarding who may now hold STC's SA401SW, SE325SW, or SE419SW, please contact JoWanna Jenkins using a method described in the **FOR FURTHER INFORMATION CONTACT** section of this notice. If you are the owner of STC's SA401SW, SE325SW, or SE419SW, you must provide a notarized copy of your Government issued identification (ID) with a letter and background establishing your ownership of the STC's and/or relationship as the heir to the deceased holder of the STC's (if that is the case).

Conclusion

If we do not receive any response by October 30, 2017, we will consider STC's SA401SW, SE325SW, and SE419SW abandoned and we will accordingly proceed with the release of the requested data. This notice is issued in accordance with Section 302 of the FAA Modernization and Reform Act of 2012, Public Law 112–95, *https://www.gpo.gov/fdsys/pkg/PLAW-112publ95/content-detail.html*. Partially codified as Title 49 of the United States Code (49 U.S.C.) Section 44704(a)(5).

Issued in Kansas City, MO, on April 20, 2017.

Mel Johnson,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2017–08753 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2010–0188; FMCSA–2012–0164; FMCSA–2014–0019; FMCSA–2014–0020]

Qualification of Drivers; Exemption Applications; Diabetes

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: FMCSA announces its decision to renew exemptions of 97 individuals from its prohibition in the Federal Motor Carrier Safety Regulations (FMCSRs) against persons with insulin-treated diabetes mellitus (ITDM) from operating commercial motor vehicles (CMVs) in interstate commerce. The exemptions enable these individuals with ITDM to continue to operate CMVs in interstate commerce.

DATES: Each group of renewed exemptions was effective on the dates stated in the discussions below and will expire on the dates stated in the discussions below.

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue, SE., Room W64–224, Washington, DC 20590–0001. Office hours are from 8 a.m. to 5:30 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Electronic Access

You may see all the comments online through the Federal Document Management System (FDMS) at: *http://www.regulations.gov*.

Docket: For access to the docket to read background documents or comments, go to *http//www.regulations.gov* and/or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy*.

II. Background

On March 7, 2017, FMCSA published a notice announcing its decision to renew exemptions for 97 individuals from the insulin-treated diabetes mellitus prohibition in 49 CFR 391.41(b)(3) to operate a CMV in interstate commerce and requested comments from the public (82 FR 12899). The public comment period ended on April 6, 2017, and no comments were received.

As stated in the previous notice, FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to or greater than the level that would be achieved by complying with the current regulation 49 CFR 391.41(b)(3).

The physical qualification standard for drivers regarding diabetes found in 49 CFR 391.41(b)(3) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control.

III. Discussion of Comments

FMCSA received no comments in this preceding.

IV. Conclusion

Based upon its evaluation of the 97 renewal exemption applications and that no comments were received, FMCSA confirms its' decision to exempt the following drivers from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce in 49 CFR 391.41(b)(3).

As of September 16, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 76 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (79 FR 47702; 79 FR 47711; 79 FR 63210; 79 FR 63219):

Vincent M. Branch (VA)
James M. Brooks (VA)
Gary L. Brown (PA)
Perry C. Bullis (PA)
Christopher J. Burkhart (MO)
Richard E. Campney (IA)
Steven J. Causie (MI)
Wesley A. Chain (TX)
Kristy S. R. Clark (VA)
Richard M. Cohen (NJ)
Alex A. Comella (NJ)
Royce N. Cordova (WA)
Robert Curry (NY)
Dwayne P. Daniels (IL)
James T. Dodge (CO)
Richard D. Domingo (NV)
John J. Dominguez (TX)
Bradley C. Dunlap (IL)
Andrew C. Frykholm (MA)
Lyle O. Gahler (MN)
Gary W. Giles (TX)
John A. Gillingham (PA)
Ronald L. Glade (IL)
Brent C. Godshalk (IN)
Benny B. Gonzales (TX)
Robert L. Gordon (IL)
Jerry W. Gott (IA)
Daniel E. Harris (IL)
Randy S. Holz (IA)
Henderson R. Hughes (NY)
James L. Hummel (WA)
Joseph T. Ingiosi (MI)
Michael J. Javenkoski (MN)
Katlin W. Johnson (LA)
Don L. Jorgensen (WY)
Steven T. Juhl (WI)
Joseph A. Kipus (OH)
Kevin L. Kreakie (OH)
Gerald D. Layton (TX)
Steve F. Levicoff (PA)
Kevin C. Lewis (LA)
Richard M. Mackey (TX)
Timothy M. Malo (ME)
Paul J. Marshall (UT)
David L. McDonald (IL)
Kevin J. McGrath (MA)
Thomas K. Miszler (PA)
Jerry W. Murphy (MS)
Christopher D. Murray (NC)
Robert D. Noe (IL)
Kyle W. Parker (CA)
Timothy K. Price (WV)
Eric D. Roberts (MI)
Gary L. Roberts (CT)
Juan C. Rodriguez-Martinez (CA)
Tommy A. Rollins (GA)
Janice M. Rowles (PA)
William B. Rupert, Jr. (PA)
Ahmed A. Saleh (MI)
Bradlee R. Saxby (IL)
Robert M. Schmitz (IA)
Barry L. Schwab (MI)
Brian R. Schwint (IA)
Geoffrey E. Showaker (PA)
Nicholas J. Shultz (IN)
Dicky W. Shuttlesworth (TX)
Bryce J. Smith (UT)
David R. Sprenkel (PA)
Jeffrey R. Stevens (PA)
Artilla M. Thomas (IL)
George E. Thompson (NJ)
Dale W. Tucker (VA)
William C. Vickery (NY)
Robert A. Whitcomb (MA)
Rodney L. Wichman (IL)
Richard D. Wiegartz (IL)

The drivers were included in one of the following docket Nos: FMCSA–2014–0019; FMCSA–2014–0020. Their exemptions are effective as of September 16, 2016, and will expire on September 16, 2018.

As of September 20, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (75 FR 42477; 75 FR 57329):

Tommy S. Boden (ID)
Dustin G. Cook (OH)
Nathan J. Enloe (MO)
Joseph B. Hall (GA)
Mark H. Horne (NH)
Michael J. Hurst (MI)
Chad W. Lawyer (IN)
John R. Little (OK)
Thomas A. Mentley (NY)
Justin P. Sibigtroth (IL)
Duane A. Wages (ND)
Michael J. Williams (NY)
Edward L. Winget, Sr. (MS)

The drivers were included in docket No. FMCSA–2010–0188. Their exemptions are effective as of September 20, 2016, and will expire on September 20, 2018.

As of September 27, 2016, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 8 individuals have satisfied the renewal conditions for obtaining an exemption from the rule prohibiting drivers with ITDM from driving CMVs in interstate commerce (77 FR 46149; 77 FR 59450):

Kevin M. Brown (CO)
Vernon V. Cromartie (NJ)
Eric C. Fuller (AZ)
Matthew R. Lanciault (NH)
Steven L. Leslie (MI)
Del A. Meath (MN)
Benny D. Puck (IA)
Bob F. Rice (WA)

The drivers were included in docket No. FMCSA–2012–0164. Their exemptions are effective as of September 27, 2016, and will expire on September 27, 2018.

In accordance with 49 U.S.C. 31315, each exemption will be valid for two years from the effective date unless revoked earlier by FMCSA. The exemption will be revoked if the following occurs: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained prior to being granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136 and 31315.

Issued on: April 19, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–08726 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2017–0133]

Commercial Driver's License (CDL): Application for Exemption; U.S. Custom Harvesters, Inc. (USCHI)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that the U.S. Custom Harvesters, Inc. (USCHI) has requested an exemption from the ''K'' intrastate restriction on commercial driver's licenses (CDLs) held by custom harvester drivers operating in interstate commerce. The Federal Motor Carrier Safety Regulations (FMCSRs) exempt drivers of commercial motor vehicles (CMVs) controlled and operated by a person engaged in interstate custom harvesting, including the requirement that drivers be at least 21 years old. However, many younger custom harvester drivers hold CDLs with an intrastate-only (or ''K'') restriction. This has caused drivers of USCHI member companies to be cited during roadside inspections in a different State, as some officers interpret the ''K'' restriction to mean that the license is invalid outside the State of issuance, even when the younger driver is operating under the custom harvester exemption. This is an issue not only for individual drivers, but also for the custom harvester employing those drivers, whose safety record is adversely affected. FMCSA requests public comment on USCHI's application for exemption.

DATES: Comments must be received on or before May 31, 2017.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2017–0133 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.
- Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Tom Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2017–0133), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2017–0133'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an

opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

Custom harvesters are businesses that supply the equipment and labor to assist farmers with harvesting during their busiest seasons. Typically, there are two different classes of operations, grain harvesting and forage harvesting. A grain harvester uses combines to harvest wheat, corn, barley, canola, sunflowers, soybeans, and grain sorghum, among others. These crop products are transported to an elevator or on-farm storage, where the crop is stored and later transported elsewhere to be processed into products for public use. A forage harvester uses a chopper to harvest whole-plant crops such as corn, sorghum, milo, triticale, and alfalfa. These crops are used for silage to feed livestock in dairies and feedlots. Some operators harvest crops such as cotton that require other specialized equipment. Custom harvesters travel from State to State and can spend from a few days to several months cutting crops for one farmer.

USCHI states that custom harvesters are experiencing a problem with the exemption they have utilized since the early 1970s (49 CFR 391.2(a)). Under this provision, drivers of CMVs controlled and operated by a person engaged in custom harvesting are exempt from all of part 391, including the requirement to be at least 21 years of age to operate a CMV in interstate commerce. USCHI members frequently employ drivers 18–21 years of age, who are issued CDLs with a ''K'' restriction that makes the license valid only for operations within the issuing State (49 CFR 383.153(a)(10)(vii)). The problem arises when law enforcement officers interpret the ''K'' restriction to mean that the license is invalid outside the issuing State, even though section 391.2(a) exempts younger custom harvester drivers from the 21-year-old age requirement when operating in interstate commerce. This has caused drivers employed by some of USCHI's members to be cited for CDL violations during inspections. This an issue not only for the individual driver, but also for the custom harvester employer, whose safety record is adversely affected.

Therefore, USCHI asks that the Agency grant an exemption under the following terms and conditions:

(1) Drivers for custom harvesters operating in interstate commerce shall be exempt from any intrastate-only ''K'' restriction on their CDLs (49 CFR 383.153(a)(10)(vii));

(2) Drivers to be included in this exemption are identified in 49 CFR 391.2 as those operating a CMV to:

(1) Transport farm machinery, supplies, or both, to or from a farm for custom-harvesting operations on a farm; or

(2) Transport custom-harvested crops to storage or market.

In its application, USCHI cites regulatory guidance to 49 CFR 383.155, entitled ''Special topics—State Reciprocity,'' which reads as follows: ''Question 1: May a State place an 'intrastate only' or similar restriction on the CDL of a driver who certifies that he or she is not subject to part 391?; Guidance: Yes; however, this restriction would not apply to drivers in interstate commerce who are excepted or exempted from part 391 under the provisions of parts 390 or 391.'' USCHI believes that this guidance clearly indicates that the ''intrastate only'' restriction should not be applied to custom harvester drivers; however, USCHI states that this guidance does not seem to have been widely circulated among State law enforcement personnel or is not followed consistently.

To ensure that the driver is authentically operating as a custom harvester, USCHI specifies that he/she should be able to provide at least three of the following methods of verification:

- The driver shall have on hand a valid custom harvesting document such as a current date agricultural commodity scale sheet, a current date custom harvesting load sheet, an official company document stating the company purpose, etc.;
- The CMV may have license plates specific to custom harvesting, or the verbiage ''Harvesting'' may be part of the business signage on the vehicle;
- The CMV must be designed to haul a harvested agricultural commodity or equipment for harvesting, or be a support vehicle for custom-harvesting operations such as a service truck;
- The CMV may be hauling a harvested agricultural commodity or equipment for the purpose of custom harvesting;
- The CMV may have newly harvested commodity or remnants on board;
- The driver will provide a verifiable location of current harvesting operation or delivery location for a harvested commodity.

IV. Method To Ensure an Equivalent or Greater Level of Safety

One requirement of any exemption issued under 49 CFR part 381 is that it be likely to achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation. In this case interstate operations by custom harvester drivers is already authorized by 49 CFR 391.2(a), but could be construed as prohibited by the conflicting requirements of 49 CFR 383.153(a)(10)(vii). By clarifying the nature of permitted transportation, USCHI believes this exemption would not have any impact on safe operation of CMVs and is therefore likely to achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 391.2(a)).

USCHI requests the exemption for the maximum available period of five years. A copy of USCHI's application for exemption is available for review in the docket for this notice.

Issued on: April 21, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2017–08725 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2006–24216]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this document provides the public notice that on February 28, 2017, and March 27, 2017, the Sacramento Regional Transit District (RT) petitioned the Federal Railroad Administration (FRA) for an extension of an amendment to its existing waiver of compliance from certain provisions of the Federal

railroad safety regulations contained at 49 CFR part 222–Use of Locomotive Horns at Public Highway Rail Grade Crossings, 49 CFR 229.125–*Headlights and auxiliary lights,* and 49 CFR 234.105(c)(3)—*Activation failure.* RT is also requesting a change of the waiver's scope to include regulatory relief for new service on a 4-mile extension of its Blue Line which runs south to Cosumnes River College. FRA assigned the petition Docket Number FRA–2006–24216.

RT seeks to modify and extend the terms and conditions of its shared use waivers for portions of its rail fixed guideway public transit Blue Line and Gold Line (also known as Folsom Line) that share corridors, including highway-rail grade crossings, with the Union Pacific Railroad (UP).

FRA most recently granted conditional relief to RT from the regulatory sections specified above in 2012. FRA notes that the relief from the requirements of 49 CFR part 222 is currently applicable only at the 17 shared highway-rail grade crossings on the Gold Line. On August 4, 2015, RT extended its Blue Line to Cosumnes River College Station, adding four station stops. RT would like to expand the scope of all relief granted to date to include this Blue Line extension to Cosumnes River College Station.

This Blue Line extension added one additional shared grade crossing at Meadowview Road. After crossing Meadowview Road, the light rail alignment immediately moves out of the shared right-of-way and into exclusive RT right-of-way. For the short distance that the Blue Line extension is in the shared corridor with UP, there is a 50-foot track separation between the two rail operations. Due to the distance separating the tracks in the shared corridor, RT does not require special procedures for operating past either stopped or moving UP trains.

RT states that the Meadowview crossing was redesigned to accommodate RT's light rail system, was placed into service with the approval of the California Public Utilities Commission, and was added to RT's Operations and Maintenance Agreement with UP covering joint operations in the shared corridor. There have been no significant incidents involving the Meadowview crossing since RT began its operations. RT notes that this crossing is also a part of the City of Sacramento's quiet zone for this corridor.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 15, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov.*

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2017–08681 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2017–0008]

Petition for Waiver of Compliance

Under part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that on January 18, 2017, the Middletown & Hummelstown Railroad Company (MIDH) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations at 49 CFR part 230, Steam Locomotive Inspection and Maintenance Standards. FRA assigned the petition Docket Number FRA–2017–0008.

Specifically, MIDH's letter requests relief from performing the 1,472 service day inspection (SDI) for No. 91, a 2–6–0 ''Mogul'' type steam locomotive built by the Canadian Locomotive Company in 1910 for the Canadian National Railway. MIDH's request pertains to the inspection of the boiler every 15 calendar years or 1,472 service days, as required by 49 CFR 230.17. MIDH is requesting an additional 19 calendar months before performing a 1,472 SDI. The previous SDI was completed on May 30, 2002, and expires on May 30, 2017. Granting relief will allow No. 91 an SDI period of 16 calendar years and 7 calendar months while not exceeding 1,472 service days. MIDH operated No. 91 from 2002 to 2009. It has been stored in serviceable condition, but has not operated since 2009 due to the lack of an experienced mechanical staff. MIDH's justification for requesting relief is that No. 91 has only operated for a total of 116 service days within the 15-calendar year period.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or

comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 15, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2017–08683 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2009–0071]

Petition for Waiver of Compliance

Under part 211 of Title 49 of the Code of Federal Regulations (CFR), this document provides the public notice that on November 21, 2016, Ellis and Eastern Company (EE) petitioned the Federal Railroad Administration (FRA) for an extension to its existing waiver of compliance in Docket Number FRA–2009–0071. The existing waiver provides EE relief from the provisions of 49 U.S.C. 21103(a)(4), which, in part, requires a train employee to receive 48 hours off duty after initiating an on-duty period for 6 consecutive days. The waiver allows the 7 train employees of EE to receive 24 hours off duty after initiating an on-duty period for 6 consecutive days.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by June 15, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2017–08682 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD 2017–0079]

Sexual Assault Prevention and Response Request for Public Input

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comment on methods to improve the prevention of, and response to sexual harassment, sexual assault, or other inappropriate conduct, as well as methods to improve the shipboard climate during the United States Merchant Marine Academy Midshipman Sea Year experience. The purpose of this public notice is to gather comments to assist in the development of a statutorily mandated report to Congress with actionable recommendations.

DATES: The deadline to submit comments is June 30, 2017. See *Submitting Your Comments and Opinions* below for specific directions.

ADDRESSES: Comments should refer to the docket number above and submitted by one of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov/.* Follow the online instruction for submitted comments.

• *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

• *Hand Delivery:* 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Paul Gilmour, Acting Deputy Director, Office of Training Ships, Innovation, and Outreach, Maritime Administration, 1200 New Jersey Avenue, Washington, DC 20590; (202) 366–1882; email: *Paul.Gilmour@dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

Section 3513 of the National Defense Authorization Act for Fiscal Year 2017 (NDAA) requires MARAD to convene a Sexual Assault Prevention and Response Working Group (SAPR) that will prepare a report to Congress. The statute requires the SAPR Working Group to examine methods to improve the prevention of, and response to, sexual harassment, sexual assault, or other inappropriate conduct, as well as methods to improve the shipboard climate, particularly in the context of the Sea Year experience of United States Merchant Marine Academy cadets. To assist in the process, MARAD is seeking public input to focus on the following seven (7) issues:

1. Options that could promote a climate of honor and respect, and a culture that is intolerant of sexual harassment, sexual assault, or other inappropriate conduct and those who commit it, with operators of vessels of the United States;

2. Strategies to raise awareness of sexual harassment, sexual assault, or other inappropriate conduct with operators of vessels of the United States;

3. Options that could be implemented by the operators of vessels of the United States that would remove any barriers to the reporting of sexual harassment, sexual assault, or other inappropriate conduct that occurs during a cadet's Sea Year experience and protect the victim's confidentiality;

4. Potential program or policy to improve the prevention of, and response to, incidents of sexual harassment, sexual assault, or other inappropriate conduct;

5. Potential program or policy requiring crews to complete a sexual harassment and sexual assault prevention and response training program before the cadet's Sea Year that includes—

(A) fostering a shipboard climate—

(i) that does not tolerate sexual harassment, sexual assault, or other inappropriate conduct;

(ii) in which persons assigned to vessel crews are encouraged to intervene to prevent such potential incidents; and

(iii) that encourages victims to report any incident of sexual harassment, sexual assault, or other inappropriate conduct; and

(B) promoting an understanding of the needs of, and the resources available to, a victim after an incident of sexual harassment, sexual assault, or other inappropriate conduct;

6. Other feasible changes to Sea Year training at the Academy, and corresponding changes to curricula, to improve prevention of and response to incidents of sexual harassment, sexual assault, and other inappropriate conduct; and

7. How vessel operators could ensure the confidentiality of a report of sexual harassment, sexual assault, or other inappropriate conduct in order to protect the victim and prevent retribution.

Submitting Your Comments and Opinions

1. We have opened a docket at *http://www.regulations.gov* to allow for submission of written comments for consideration by the SAPR.

2. You may submit your inputs identified by DOT Docket Number MARAD–2017–0079 by any of the following methods: Web site/Federal eRulemaking Portal, Fax, Mail or Hand Delivery. Please use only one of these means for each submission. All submissions must include the agency name and docket number for this matter. Specific instructions follow.

3. For the Web site/Federal eRulemaking Portal, go to *http://www.regulations.gov.* Follow the instructions for submitting comments on the electronic docket site. To submit your input, type the docket number (MARAD–2017–0079) in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this Docket Number. If you submit comment via *www.regulations.gov,* please note that inputs submitted to *www.regulations.gov* are not immediately posted to the site. It may take several business days before your submission will be posted on the electronic docket.

4. For submission by telefacsimile/FAX, transmit your agenda topic, comment or idea to (202) 493–2251. Be sure to identify the submission by DOT Docket Number MARAD–2017–0079.

5. Submissions by Mail or Hand Delivery should go to Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except on Federal holidays. If you submit your inputs by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope.

6. If you FAX, mail, or hand deliver your input we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

7. *Note:* All comments submitted for this purpose, including any personal information provided, will be posted without change to *http://www.regulations.gov.*

8. For access to the docket to read background documents or inputs received, go to *http://www.regulations.gov* at any time or to Room W12–140 of the Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal Holidays. To view the docket electronically, type the docket number ''MARAD–2017–0079'' in the ''SEARCH'' box and click ''Search.'' Click and Open Docket Folder on the line associated with this rulemaking.

Privacy Act

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

Authority: 5 U.S.C. 610; E.O. 13563, 76 FR 3821, Jan. 21 2011; E.O. 12866, 58 FR 51735, Oct. 4, 1993.

By Order of the Executive Director.

Dated: April 25, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–08685 Filed 4–28–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TREASURY

2017 Data Collection Under the Terrorism Risk Insurance Program

AGENCY: Departmental Offices, Department of Treasury.

ACTION: Notice.

SUMMARY: The Terrorism Risk Insurance Act requires the Secretary of the Treasury to collect, from insurers that participate in the Terrorism Risk Insurance Program, information regarding insurance coverage for terrorism losses. The information is to be used by the Secretary in connection with reports analyzing various aspects of the Program. Participating insurers are directed to report information identified in a series of forms approved by the Office of Management and Budget through a web portal that has been established for that purpose. Participating insurers are required to respond to this data call, subject to certain exceptions identified in this Notice.

DATES: Certain data must be submitted not later than May 15, 2017, with the balance of any remaining information to be provided by October 1, 2017.

ADDRESSES: Participating insurers will submit the identified data after registration at a web portal that has been established for this data collection. A link to the Web site where participating insurers can commence the registration process can be found at *https://www.treasury.gov/resource-center/fin-mkts/Pages/program.aspx.*

FOR FURTHER INFORMATION CONTACT: Richard Ifft, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, Room 1410, Department of Treasury, 1500 Pennsylvania Avenue NW., Washington, DC 20220, at (202) 622–2922 (this is not a toll-free number), Kevin Meehan, Senior Insurance Regulatory Policy Analyst, Federal Insurance Office, 202–622–7009 (not a toll free number), or Lindsey Baldwin, Senior Policy Analyst, Federal Insurance Office, 202–622–3220 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access these numbers via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

Congress enacted the Terrorism Risk Insurance Act of 2002 (TRIA) [1] based, in part, upon its recognition that widespread unavailability of terrorism risk insurance ''could seriously hamper ongoing and planned construction, property acquisition, and other business projects, generate a dramatic increase in rents, and otherwise suppress economic activity.'' [2] TRIA requires insurers to make coverage available for certain lines of commercial property and casualty insurance.[3] To assist insurers with the financial exposure resulting from this required offer of coverage, TRIA established the Terrorism Risk Insurance Program (TRIP or Program), under which certain losses resulting from an ''act of terrorism'' (as defined by TRIA) are eligible for reimbursement through the Program. The Program is administered in the Department of Treasury (Treasury) by the Secretary of the Treasury (Secretary) with the assistance of the Federal Insurance Office.[4]

TRIA originally authorized the Program for a three-year period ending December 31, 2005. The Program has since been reauthorized three times, most recently in the Terrorism Risk Insurance Program Reauthorization Act of 2015 (2015 Reauthorization Act),[5] which extended the Program until December 31, 2020. Among other reforms and changes, the 2015 Reauthorization Act requires insurers participating in the Program to submit to the Secretary, beginning in calendar year 2016, ''such information regarding insurance coverage for terrorism losses of such insurers as the Secretary considers appropriate to analyze the effectiveness of the Program . . . .'' This information and data includes information regarding: (1) Lines of insurance with exposure to such losses; (2) premiums earned on such coverage; (3) geographical location of exposures; (4) pricing of such coverage; (5) the take-up rate for such coverage; (6) the amount of private reinsurance for acts of terrorism purchased; and (7) such other matters as the Secretary considers appropriate.[6]

Treasury conducted a voluntary data call in 2016, to avoid inadvertently imposing an unanticipated level of burden on participating insurers. In that year, before implementing regulations were effective, Treasury utilized a single reporting template approved by the Office of Management and Budget (OMB) on an emergency basis without a formal public notice and comment period. Data collected from the insurers that elected to respond to this request formed the basis for Treasury's first report under the 2015 Reauthorization Act addressing the effectiveness of the Program.[7]

On December 21, 2016, Treasury issued Final Rules concerning, among other things, its data collection authorities under the Program.[8] On December 27, 2016, Treasury published the data collection forms that it proposed to use for the 2017 data call, and invited the public to provide comments concerning those proposed forms.[9] Treasury received seven comments concerning the forms.[10] In response, and as discussed further below, Treasury has made a number of modifications to the forms and has also in certain ways modified the manner in which Treasury will collect the identified data. OMB has approved the use of these forms under Control Number 1505–0257.

II. Data Collection Forms and Procedures

The collection templates proposed for use in calendar year 2017 are based upon the form created for use in calendar year 2016, although certain changes were made based upon experience derived from the 2016 voluntary data call. The principal

[1] 15 U.S.C. 6701 note. Because the provisions of TRIA, as amended, appear in a note of the United States Code, references to the provisions of TRIA are identified by the sections of the law (*e.g.,* ''TRIA section 102(1) (definition of an 'act of terrorism')'').

[2] TRIA section 101(a)(5).

[3] *See* TRIA section 103(c).

[4] 31 U.S.C. 313(c)(1)(D).

[5] Pub. L. 114–1, 129 Stat. 3.

[6] TRIA section 104(h)(1) (2015 Reauthorization Act, Section 111).

[7] *See* Department of Treasury, Report on the Overall Effectiveness of the Terrorism Risk Insurance Program (June 2016), *available at https://www.treasury.gov/initiatives/fio/reports-and-notices/Documents/2016_TRIP_Effectiveness_%20Report_FINAL.pdf.*

[8] 81 FR 93756 (Dec. 21, 2016); *see* 31 CFR 50.50–50.54.

[9] 81 FR 95310 (Dec. 27, 2016).

[10] Treasury received comments from the American Insurance Association (AIA), the Property Casualty Insurers Association of American (PCIAA), the National Association of Mutual Insurance Companies (NAMIC), the International Underwriting Association of London (IUA), Lloyd's of London (Lloyd's), Signal Mutual Indemnity Association Ltd. (Signal), and an individual, James Murray (Murray). The comments are available at *https://www.regulations.gov/docketBrowser?rpp=25&so=DESC&sb=commentDueDate&po=0&D=TREAS-TRIP-2017-0002.* References to these comments are incorporated below where appropriate.

change was that Treasury developed four separate templates for use, depending upon the type or size of insurer providing information. Each insurer group (or individual company if not affiliated with a group) will fill out the template identified ''Insurer (Non-Small) Groups or Companies,'' unless the insurer meets the definition of a small insurer, captive insurer, or alien surplus lines insurer as set forth in 31 CFR 50.4. These insurers are required to complete different forms that are more specifically tailored to their operations.

Each form is accompanied by a separate ''data dictionary'' applicable to the form, which contains specific instructions to complete each data element. In its initial notice seeking public comment, Treasury set forth the general instructions concerning what type of form each participating insurer must complete.[11] These instructions remain the same; however, Treasury is now clarifying that insurers that participate in the Program because they have been authorized by the Federal Government to provide insurance for various purposes[12] should complete the alien surplus lines template. Treasury has provided further specific instructions in the associated data dictionary concerning completion of the reporting template by these insurers.

Commenters made a number of suggestions concerning the manner in which data should be collected and provided specific suggestions concerning individual data elements and the instructions concerning those elements. Several commenters[13] suggested that Treasury could collect certain workers' compensation insurance elements through the National Council on Compensation Insurance (NCCI) and other rating bureaus that collect workers' compensation insurance data in order to fulfill the obligation of participating insurers to report such information. In response to these comments, Treasury has arranged with NCCI and the California Workers' Compensation Insurance Rating Bureau (California WCIRB) to provide (either directly or through other workers' compensation rating bureaus) the workers' compensation insurance elements of the data call relating to premium and payroll information, including as allocated to specific geographic areas and across industry groups, with the exception of private reinsurance arrangements associated with workers' compensation insurance. This will eliminate the need of insurers to report this information separately, and the data aggregator will provide such insurers with reporting templates that do not require completion of this workers' compensation data. Instead, that information will be provided by NCCI and/or the California WCIRB and then merged into the information provided directly by the reporting insurers.

Several commenters requested that Treasury delay the data collection deadline. In support of this request, commenters cited the fact that this is the first year of mandatory collection, and that a delayed reporting date would allow insurers more time to verify and compile information, leading to more accurate submissions.[14] Commenters supported the permissibility of this position by noting that Treasury's report in 2017 focuses upon small insurers, and that information required from other insurers would not be relevant to that report such that it could be reported at a later date.[15]

Treasury selected the data reporting deadline of May 15 in the Program Rules in response to comments indicating that the initial proposed date of March 1 interfered with pre-existing state insurance data production requirements. Treasury chose May 15 as the latest date to obtain the necessary data and still reasonably complete its statutory reporting obligations, which are due each year on June 30.[16] Even though Treasury's 2017 report will be focusing upon small insurers, information provided by other insurers will be relevant to put into context the participation of small insurers in the terrorism risk insurance marketplace.

To address the concerns raised by commenters while still meeting its statutory obligations, Treasury will, for 2017 only, limit the amount of data that needs to be provided by May 15, 2017 by all insurers to general registration, premium and policy counts, policy exposures, and reinsurance (the information that is reportable by small insurers).[17] Additional information (for package or multi-line policies, standalone terrorism insurance, policyholder industry codes, and geographic exposures) must also be submitted by insurers other than small insurers, and may be submitted with the initial submission by May 15. If this additional information is not provided with the initial submission, it must be provided separately no later than October 1, 2017. Because all insurers will have taken the necessary steps to compile data in 2017, Treasury will not grant extensions of the May 15 deadline in future years.

One commenter suggested that the reporting forms were not geared to reporting by Federally-approved insurers that are subject to the Program.[18] In response, and as noted above, Treasury has modified the instructions to provide further guidance as to how such insurers should respond to the 2017 data call, and will consider the development of a separate form for such insurers for future collections.

Several commenters suggested the establishment of a telephone ''helpline''

[11] *See* 81 FR 95310 (Dec. 27, 2016). In general, small insurers (31 CFR 50.4(z)) are insurers who for purposes of the 2017 data collection, which is otherwise requesting information from calendar year 2016, had *2015* policyholder surplus and *2015* direct earned premium of less than $600,000,000 (or five times the 2016 Program Trigger of $120,000,000). In addition, a small insurer with less than $10,000,000 in TRIP-eligible lines direct earned premium in calendar year 2016 is not required to provide any data. Captive insurers (31 CFR 50.4(g)) are insurers licensed under the captive insurance laws or regulations of any state, and are all subject to the same captive insurer template regardless of size. However, to the extent a captive insurer writes policies in TRIP-eligible lines of insurance, but does not actually provide its insureds with any terrorism risk insurance subject to the Program, the captive insurer is not required to provide data. Alien surplus lines insurers (31 CFR 50.4(o)(1)(i)(B)) are insurers not licensed or admitted to engage in the business of providing primary or excess insurance in any state, but that are eligible surplus line insurers listed on the NAIC Quarterly Listing of Alien Insurers. To the extent an alien surplus lines insurer is part of a larger group that is subject to reporting under either the ''Insurer (Non-Small) Groups or Companies'' or ''Small Insurers'' template, the information for that alien surplus lines insurer should be reported as part of the larger group, using the proper template. The ''Alien Surplus Lines'' template is to be used by any other alien surplus lines insurer, regardless of size, that is not part of a larger group. Such alien surplus lines insurers must report, at least for calendar year 2017, even if they fall within the $10,000,000 premium threshold otherwise required for small insurers to report.

[12] *See* TRIA, § 102(6)(A)(iii); 31 CFR 50.4(o)(1)(C). The Alien Surplus Lines template should also be used by Federally-approved insurers subject to the Program that are approved or accepted for the purpose of offering property and casualty insurance by a Federal agency in connection with maritime, energy, or aviation activity, but only to the extent of such Federal approval of property and casualty insurance coverage offered by the insurer in connection with maritime, energy, or aviation activity.

[13] *See* AIA Comments at 4; PCIAA Comments at 2; NAMIC Comments at 1.

[14] *See* Lloyd's Comments at 1; IUA Comments at 1–2.

[15] *See* Lloyd's Comments at 1; IUA Comments at 1–2; Murray Comments at 1. One commenter suggested that a later date would be consistent with a reporting date of October 1 that has been established for the reporting to state regulators of certain terrorism risk insurance information by alien surplus lines insurers. *See* Lloyd's Comments at 1; IUA Comments at 1.

[16] See 81 FR 93756, 93761 (Dec. 21, 2016).

[17] The worksheets for non-small insurers, alien surplus lines insurers, and captive insurers that cover the information that is also reported by small insurers differ from the small insurer worksheets in minor ways. Reporting insurers will still complete the relevant worksheets of their own data reporting template, even though it will differ somewhat from the small insurer template.

[18] *See* Signal Comments at 1.

and the hosting of a public webinar to assist reporting insurers that have questions concerning the data collection requirements.[19] Treasury (through its data aggregator) will establish such a helpline, and will also host a public webinar concerning the process to assist reporting insurers in responding to the proposed collection. Details concerning participation in the webinar will be made available on Treasury's Web site at *https://www.treasury.gov/resource-center/fin-mkts/Pages/program.aspx.* Treasury personnel, as identified above, may also be contacted directly in connection with questions and guidance for completion of the data collection templates.

Treasury also received a number of written comments addressing technical changes or questions concerning the reporting forms. In response, Treasury has modified the instructions in a number of ways to clarify the information sought, and in some cases to reduce the burden of reporting that might otherwise be presented by the collection as originally proposed (for example, by adding fields to allow insurers to report unallocated values that have not been specifically coded within the insurer's existing systems).[20]

III. Data Call

Treasury, through an insurance statistical aggregator, has established the web portal identified above, through which insurers will be able to submit the identified data. Reporting insurers should visit this link in order to register for the 2017 data collection. Copies of the collection forms (image files only) are also available at the link identified above; however, reporting insurers will obtain the fillable forms that they will use for reporting directly from the data aggregator once they register for the data collection process. As noted above, reporting insurers are required to submit completed data forms containing data related to premium and policy counts, policy exposures, and reinsurance no later than May 15, 2017; the remaining data requested must be submitted no later than October 1, 2017. The insurance statistical aggregator will provide instructions on how to submit completed forms, and will also be available to answer questions related to the completion of the forms.

All information submitted via the web portal is subject to the confidentiality and data protection provisions of TRIA and the Program Rules, as well as to section 552 of title 5, United States Code, including any exceptions thereunder. In accordance with the Paperwork Reduction Act, (44 U.S.C 3501 *et seq.*), the information collected through the web portal has been approved by OMB under Control Number 1505–0257. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a valid OMB control number.

Dated: April 25, 2017.

Brian J. Peretti,

Director, Office of Critical Infrastructure Protection and Compliance Policy.

[FR Doc. 2017–08716 Filed 4–28–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board Amended; Notice of Meetings

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463; Title 5 U.S.C. App. 2 (Federal Advisory Committee Act) that the subcommittees of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board (JBL/CS SMRB) will meet from 8 a.m. to 5 p.m. on the dates indicated below (unless otherwise listed):

Subcommittee	Date	Location
Infectious Diseases—B	May 18, 2017	Hilton Crystal City—Reagan National Airport.
Nephrology	May 18, 2017	Hilton Crystal City—Reagan National Airport.
Hematology	May 19, 2017	Hyatt Regency Washington.
Oncology—A/D	May 19, 2017	Hyatt Regency Washington.
Cellular & Molecular Medicine	May 22, 2017	Hilton Crystal City—Reagan National Airport.
Endocrinology—B	May 22, 2017	Hilton Crystal City—Reagan National Airport.
Neurobiology—C	May 23, 2017	Hilton Crystal City—Reagan National Airport.
Oncology—B	May 24, 2017	Hilton Crystal City—Reagan National Airport.
Surgery	May 24, 2017	Hilton Crystal City—Reagan National Airport.
Cardiovascular Studies—A	May 25, 2017	Hilton Crystal City—Reagan National Airport.
Infectious Diseases—A	May 25, 2017	* VA Central Office.
Oncology—C	May 25 2017	Hilton Crystal City—Reagan National Airport.
Immunology & Dermatology—A	May 31, 2017	Hilton Crystal City—Reagan National Airport.
Neurobiology—B	May 31, 2017	Hyatt Regency Washington.
Gulf War Research	June 1, 2017	* VA Central Office.
Pulmonary Medicine	June 1, 2017	Hyatt Regency Washington.
Endocrinology—A	June 2, 2017	Hyatt Regency Washington.
Neurobiology—A	June 2, 2017	Hyatt Regency Washington.
Neurobiology—E	June 2, 2017	Hyatt Regency Washington.
Gastroenterology	June 6, 2017	Hilton Crystal City—Reagan National Airport.
Mental Health & Behavioral Sciences—A	June 7, 2017	Hilton Crystal City—Reagan National Airport.
Neurobiology—F	June 7, 2017	* VA Central Office.
Oncology—E	June 7, 2017	* VA Central Office.
Cardiovascular Studies—B	June 8, 2017	Hyatt Regency Washington.
Mental Health & Behavioral Sciences—B	June 8, 2017	Hyatt Regency Washington.
Epidemiology	June 8, 2017	* VA Central Office.
Neurobiology—D	June 9, 2017	Hyatt Regency Washington.
Special Emphasis Panel on Million Veteran Prog. Proj	July 11–12, 2017	Hilton Crystal City—Reagan National Airport.

[19] *See* AIA Comments at 4; PCIAA Comments at 2.

[20] Other examples of such technical changes include manner in which policy count information should be entered in connection with multiple line and multiple jurisdiction situations (*see* AIA Comments at 4–5), confirmation as to how property insurance limits should be entered in specific situations (*see* AIA Comments at 6), and inconsistency in certain of the template headings vis-à-vis the instructional materials (*see* AIA Comments at 5).

Subcommittee	Date	Location
Eligibility	July 17, 2017	Hilton Crystal City—Reagan National Airport.

The addresses of the meeting sites are: Hilton Crystal City—Reagan National Airport, 2399 Jefferson Davis Hwy., Arlington, VA; Hyatt Regency Washington on Capitol Hill, 400 New Jersey Avenue NW., Washington, DC; VA Central Office, 1100 First Street NE., Suite 600, Washington, DC.

* Teleconference.

The purpose of the subcommittees is to provide advice on the scientific quality, budget, safety and mission relevance of investigator-initiated research proposals submitted for VA merit review evaluation. Proposals submitted for review include various medical specialties within the general areas of biomedical, behavioral and clinical science research.

These subcommittee meetings will be closed to the public for the review, discussion, and evaluation of initial and renewal research proposals, which involve reference to staff and consultant critiques of research proposals. Discussions will deal with scientific merit of each proposal and qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of research information could significantly obstruct implementation of proposed agency action regarding the research proposals. As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing the subcommittee meetings is in accordance with Title 5 U.S.C. 552b(c)(6) and (9)(B).

Those who would like to obtain a copy of the minutes from the closed subcommittee meetings and rosters of the subcommittee members should contact Holly Krull, Ph.D., Manager, Merit Review Program (10P9B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 632–8522 or email at *holly.krull@va.gov.*

Dated: April 26, 2017.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–08741 Filed 4–28–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 82 Monday,
No. 82 May 1, 2017

Part II

The President

Executive Order 13791—Enforcing Statutory Prohibitions on Federal Control of Education
Executive Order 13792—Review of Designations Under the Antiquities Act

Federal Register
Vol. 82, No. 82
Monday, May 1, 2017

Presidential Documents

Title 3—

The President

Executive Order 13791 of April 26, 2017

Enforcing Statutory Prohibitions on Federal Control of Education

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to restore the proper division of power under the Constitution between the Federal Government and the States and to further the goals of, and to ensure strict compliance with, statutes that prohibit Federal interference with State and local control over education, including section 103 of the Department of Education Organization Act (DEOA) (20 U.S.C. 3403), sections 438 and 447 of the General Education Provisions Act (GEPA), as amended (20 U.S.C. 1232a and 1232j), and sections 8526A, 8527, and 8529 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) (20 U.S.C. 7906a, 7907, and 7909), it is hereby ordered as follows:

Section 1. *Policy.* It shall be the policy of the executive branch to protect and preserve State and local control over the curriculum, program of instruction, administration, and personnel of educational institutions, schools, and school systems, consistent with applicable law, including ESEA, as amended by ESSA, and ESEA's restrictions related to the Common Core State Standards developed under the Common Core State Standards Initiative.

Sec. 2. *Review of Regulations and Guidance Documents.* (a) The Secretary of Education (Secretary) shall review all Department of Education (Department) regulations and guidance documents relating to DEOA, GEPA, and ESEA, as amended by ESSA.

(b) The Secretary shall examine whether these regulations and guidance documents comply with Federal laws that prohibit the Department from exercising any direction, supervision, or control over areas subject to State and local control, including:

(i) the curriculum or program of instruction of any elementary and secondary school and school system;

(ii) school administration and personnel; and

(iii) selection and content of library resources, textbooks, and instructional materials.

(c) The Secretary shall, as appropriate and consistent with applicable law, rescind or revise any regulations that are identified pursuant to subsection (b) of this section as inconsistent with statutory prohibitions. The Secretary shall also rescind or revise any guidance documents that are identified pursuant to subsection (b) of this section as inconsistent with statutory prohibitions. The Secretary shall, to the extent consistent with law, publish any proposed regulations and withdraw or modify any guidance documents pursuant to this subsection no later than 300 days after the date of this order.

Sec. 3. *Definition.* The term ''guidance document'' means any written statement issued by the Department to the public that sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue, including Dear Colleague letters, interpretive memoranda, policy statements, manuals, circulars, memoranda, pamphlets, bulletins, advisories, technical assistance, and grants of applications for waivers.

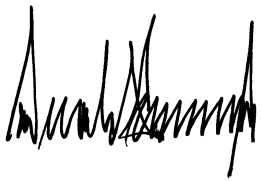
Sec. 4. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
April 26, 2017.

[FR Doc. 2017–08905
Filed 4–28–17; 11:15 am]
Billing code 3295–F7–P

Presidential Documents

Executive Order 13792 of April 26, 2017

Review of Designations Under the Antiquities Act

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in recognition of the importance of the Nation's wealth of natural resources to American workers and the American economy, it is hereby ordered as follows:

Section 1. *Policy.* Designations of national monuments under the Antiquities Act of 1906, recently recodified at sections 320301 to 320303 of title 54, United States Code (the ''Antiquities Act'' or ''Act''), have a substantial impact on the management of Federal lands and the use and enjoyment of neighboring lands. Such designations are a means of stewarding America's natural resources, protecting America's natural beauty, and preserving America's historic places. Monument designations that result from a lack of public outreach and proper coordination with State, tribal, and local officials and other relevant stakeholders may also create barriers to achieving energy independence, restrict public access to and use of Federal lands, burden State, tribal, and local governments, and otherwise curtail economic growth. Designations should be made in accordance with the requirements and original objectives of the Act 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.

Sec. 2. *Review of National Monument Designations.* (a) The Secretary of the Interior (Secretary) shall 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 this order. In making those determinations, the Secretary shall 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.

(b) In conducting the review described in subsection (a) of this section, the Secretary shall consult and coordinate with, as appropriate, the Secretary of Defense, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Energy, the Secretary of Homeland Security, and the heads of any other executive departments or agencies concerned with areas designated under the Act.

(c) In conducting the review described in subsection (a) of this section, the Secretary shall, as appropriate, consult and coordinate with the Governors of States affected by monument designations or other relevant officials of affected State, tribal, and local governments.

(d) Within 45 days of the date of this order, the Secretary shall provide an interim report to the President, through the Director of the Office of Management and Budget, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chairman of the Council on Environmental Quality, summarizing the findings of the review described in subsection (a) of this section with respect to Proclamation 9558 of December 28, 2016 (Establishment of the Bears Ears National Monument), and such other designations as the Secretary determines to be appropriate for inclusion in the interim report. For those designations, the interim report shall include recommendations for such Presidential actions, legislative proposals, or other actions consistent with law as the Secretary may consider appropriate to carry out the policy set forth in section 1 of this order.

(e) Within 120 days of the date of this order, the Secretary shall provide a final report to the President, through the Director of the Office of Management and Budget, the Assistant to the President for Economic Policy, the Assistant to the President for Domestic Policy, and the Chairman of the Council on Environmental Quality, summarizing the findings of the review described in subsection (a) of this section. The final report shall include recommendations for such Presidential actions, legislative proposals, or other actions consistent with law as the Secretary may consider appropriate to carry out the policy set forth in section 1 of this order.

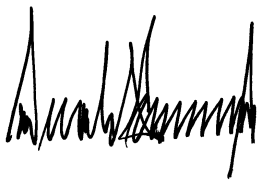
Sec. 3. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
April 26, 2017.

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At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List April 21, 2017

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This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	21 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	35 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
May 1	May 16	May 22	May 31	Jun 5	Jun 15	Jun 30	Jul 31
May 2	May 17	May 23	Jun 1	Jun 6	Jun 16	Jul 3	Jul 31
May 3	May 18	May 24	Jun 2	Jun 7	Jun 19	Jul 3	Aug 1
May 4	May 19	May 25	Jun 5	Jun 8	Jun 19	Jul 3	Aug 2
May 5	May 22	May 26	Jun 5	Jun 9	Jun 19	Jul 5	Aug 3
May 8	May 23	May 30	Jun 7	Jun 12	Jun 22	Jul 7	Aug 7
May 9	May 24	May 30	Jun 8	Jun 13	Jun 23	Jul 10	Aug 7
May 10	May 25	May 31	Jun 9	Jun 14	Jun 26	Jul 10	Aug 8
May 11	May 26	Jun 1	Jun 12	Jun 15	Jun 26	Jul 10	Aug 9
May 12	May 30	Jun 2	Jun 12	Jun 16	Jun 26	Jul 11	Aug 10
May 15	May 30	Jun 5	Jun 14	Jun 19	Jun 29	Jul 14	Aug 14
May 16	May 31	Jun 6	Jun 15	Jun 20	Jun 30	Jul 17	Aug 14
May 17	Jun 1	Jun 7	Jun 16	Jun 21	Jul 3	Jul 17	Aug 15
May 18	Jun 2	Jun 8	Jun 19	Jun 22	Jul 3	Jul 17	Aug 16
May 19	Jun 5	Jun 9	Jun 19	Jun 23	Jul 3	Jul 18	Aug 17
May 22	Jun 6	Jun 12	Jun 21	Jun 26	Jul 6	Jul 21	Aug 21
May 23	Jun 7	Jun 13	Jun 22	Jun 27	Jul 7	Jul 24	Aug 21
May 24	Jun 8	Jun 14	Jun 23	Jun 28	Jul 10	Jul 24	Aug 22
May 25	Jun 9	Jun 15	Jun 26	Jun 29	Jul 10	Jul 24	Aug 23
May 26	Jun 12	Jun 16	Jun 26	Jun 30	Jul 10	Jul 25	Aug 24
May 30	Jun 14	Jun 20	Jun 29	Jul 5	Jul 14	Jul 31	Aug 28
May 31	Jun 15	Jun 21	Jun 30	Jul 5	Jul 17	Jul 31	Aug 29