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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

[Docket No. AMS–LPS–16–0051]

RIN–0581–AD58

Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This final rule amends the scope and applicability of the U.S. Department of Agriculture's (USDA) uniform rules of practice governing adjudicatory proceedings to include actions initiated under subtitles B and D of the Agricultural Marketing Act of 1946, as amended (1946 Act).

DATES: *Effective* August 9, 2017.

FOR FURTHER INFORMATION CONTACT: Michael Lynch, Director; Livestock, Poultry, and Grain Market News Division; Livestock, Poultry, and Seed Program; AMS, USDA, Room 2619–S, STOP 0252; 1400 Independence Avenue SW., Washington, DC 20250–0251; telephone (202) 720–4868; fax (202) 690–3732; or email *Michael.Lynch@ams.usda.gov.*

SUPPLEMENTARY INFORMATION: USDA's uniform rules of practice (7 CFR part 1, subpart H), which govern the conduct of adjudicatory proceedings under numerous statutes, have been in effect since February 1, 1977. Under this final rule, subtitles B (Livestock Mandatory Reporting) and D (Country of Origin Labeling) of the 1946 Act (7 U.S.C. 1621 *et seq.*) are governed by these uniform procedures to ensure consistency and uniformity in the conduct of USDA's administrative activities.

Subtitle B (7 U.S.C. 1635–1636i) of the 1946 Act authorizes the Secretary, having given notice and an opportunity for hearing, to assess civil penalties (fines) against any packer (as defined therein) or other person that violates Livestock Mandatory Reporting regulations (7 U.S.C. 1636b). Each civil penalty assessed by the Secretary may be no more than $10,000 for each violation, as adjusted by 7 CFR 3.91.

Subtitle D (7 U.S.C. 1638–1638d) of the 1946 Act authorizes the Secretary to take enforcement actions, including civil penalties (fines), against a retailer (as defined by the Perishable Agricultural Commodities Act (7 U.S.C. 499a(b)(11)) or any person engaged in the business of supplying a covered commodity to a retailer, that is determined, after providing notice and an opportunity for a hearing before the Secretary with respect to the violation, not to have made good faith effort to comply with Country of Origin Labeling regulations and has continued to willfully violate these regulations.

This action has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals this action would not have substantial and direct effects on Tribal governments and would not have significant Tribal implications.

This rule does not meet the definition of a significant regulatory action contained in section 3(f) of Executive Order 12866, and is not subject to review by the Office of Management and Budget (OMB). Additionally, because this rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017 titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

Pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required for this rule regarding agency procedure or practice, and it may be made effective less than 30 days after publication in the **Federal Register**.

In addition, under 5 U.S.C. 804, this action is not subject to congressional review under the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121).

Finally, this action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601–612) and is thus exempt from the provisions of that Act.

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

List of Subjects in 7 CFR Part 1

Administrative practice and procedure, Antitrust, Claims, Cooperatives, Courts, Equal access to justice, Fraud, Freedom of information, Government employees, Indemnity payments, Lawyers, Motion pictures, Penalties, Privacy.

For the reasons set forth in the preamble, 7 CFR part 1 is amended as follows:

PART 1—ADMINISTRATIVE REGULATIONS

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

Authority: 5 U.S.C. 301, unless otherwise noted.

■ 2. The authority citation for subpart H is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C 61, 87e, 228, 268, 499o, 608c(14), 1592, 1624(b), 1636b, 1638b, 2151, 2279e, 2621, 2714, 2908, 3812, 4610, 4815, 4910, 6009, 6107, 6207, 6307, 6411, 6519, 6520, 6808, 7107, 7734, 8313; 15 U.S.C. 1828; 16 U.S.C. 620d, 1540(f), 3373; 21 U.S.C. 104, 111, 117, 120, 122, 127, 134e, 134f, 135a, 154, 463(b), 621, 1043; 30 U.S.C. 185(o)(1); 43 U.S.C. 1740; 7 CFR 2.27, 2.35.

■ 3. Amend § 1.131 in paragraph (a) by adding in alphabetical order an entry for ''Agricultural Marketing Act of 1946'' to read as follows:

§ 1.131 Scope and applicability of this subpart.

(a) * * *

Agricultural Marketing Act of 1946, as amended, section 253 (7 U.S.C. 1636b) and section 283 (7 U.S.C. 1638b).

* * * * *

Dated: August 4, 2017.

Sonny Perdue,

Secretary.

[FR Doc. 2017–16786 Filed 8–8–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0759; Product Identifier 2017–CE–023–AD; Amendment 39–18980; AD 2017–16–03]

RIN 2120–AA64

Airworthiness Directives; Piper Aircraft, Inc. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Piper Aircraft, Inc. (Piper) Model PA–46–600TP (M600) airplanes. This AD requires inspection of the aft wing spars with repair as necessary. This AD was prompted by a report from Piper of the aft wing spar cracking during wing assembly. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective August 9, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of August 9, 2017.

We must receive comments on this AD by September 25, 2017.

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

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

For service information identified in this final rule, contact Piper Aircraft, Inc., Customer Service, 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (877) 879–0275; fax: none; email: *customer.service@piper.com;* Internet: *www.piper.com.* You may view this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0759.

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–2017–0759; 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 final rule, the regulatory evaluation, any comments received, and other information. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: William (Dan) McCully, Aerospace Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5548; fax: (404) 474–5606; email: *william.mccully@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We received a report from Piper of an aft wing spar cracking during wing assembly on a Model PA–46–600TP (M600) airplane. An investigation of the incident identified that the supplier may have delivered aft wing spars to Piper that did not conform to Piper's type design specifications and requirements. A quality escape during manufacturing resulted in an understrength part, and these nonconforming parts may have been installed on some of the affected airplanes. This condition, if not corrected, could result in failure of the aft wing spar and lead to wing separation with consequent loss of control. We are issuing this AD to correct the unsafe condition on these products.

Related Service Information Under 1 CFR Part 51

We reviewed Piper Aircraft, Inc. Service Bulletin No. 1317A, dated July 26, 2017. The service bulletin describes procedures for a visual inspection of the affected area and describes flight restrictions for allowing the optional special flight permit that allows a one-time flight to a facility capable of doing the inspections and repair required by this AD. 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 issuing 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.

AD Requirements

This AD requires inspection of the aft wing spars with repair as necessary.

Interim Action

We consider this AD interim action. We are coordinating with Piper on the development of inspection and repair procedures to address this unsafe condition.

FAA's Justification and Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because failure of the aft wing spar could result in wing separation with consequent loss of control. Therefore, we find that notice and opportunity for prior public comment are impracticable and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety and was not preceded by notice and an opportunity for public comment. However, we invite you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include the Docket No. FAA–2017–0759 and Product Identifier 2017–CE–023–AD at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this final rule. We will consider all comments received by the closing date and may amend this final rule 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 final rule.

Costs of Compliance

We estimate that this AD affects 36 airplanes of U.S. registry.

We estimate the following costs to comply with this AD. Piper is currently developing the required inspection method, and the FAA anticipates it will

be approved and available shortly after publication of this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of the aft wing spars	11 work-hours × $85 per hour = $935 ...	Not applicable	$935	$33,660

We have no way of knowing how many airplanes may need the repair based on the results of the required inspection. Since there is not an approved repair procedure, we have no way of knowing the cost of the required repair.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–16–03 Piper Aircraft, Inc.: Amendment 39–18980; Docket No. FAA–2017–0759; Product Identifier 2017–CE–023–AD.

(a) Effective Date

This AD is effective August 9, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Piper Aircraft, Inc. Model PA–46–600TP (M600) airplanes; serial numbers 4698004 through 4698042; certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 5711, Wing Spar.

(e) Unsafe Condition

This AD was prompted by a report from Piper Aircraft, Inc. (Piper) of an aft wing spar cracking during wing assembly of one of the affected airplanes. We are issuing this AD to prevent failure of the aft wing spar, which could lead to wing separation with consequent loss of control.

(f) Compliance

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

(g) Inspection and Repair

Before further flight, inspect the aft wing spars and, before further flight, repair as necessary following FAA-approved procedures obtained from the Atlanta ACO Branch approved specifically for this AD. Use the contact information found in paragraph (j) of this AD. We are coordinating with Piper on the development of inspection and repair procedures to address this unsafe condition. Piper Aircraft, Inc. Service Bulletin No. 1317, dated July 21, 2017 (not incorporated by reference), and Piper Service Bulletin No. 1317A, dated July 26, 2017, contain additional information related to this AD.

(h) Special Flight Permit

A special flight permit is allowed per 14 CFR 39.23 to relocate the airplane to a facility capable of performing the inspection and/or repair required by paragraph (g) of this AD provided that all criteria in Part II of Piper Service Bulletin No. 1317A, dated July 26, 2017, are adhered to.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta ACO Branch, 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 certification office, send it to the attention of the person identified in paragraph (j) of this AD.

(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.

(j) Related Information

For more information about this AD, contact William (Dan) McCully, Aerospace Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia

30337; phone: (404) 474–5548; fax: (404) 474–5606; email: *william.mccully@faa.gov.*

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Piper Aircraft, Inc. Service Bulletin No. 1317A, dated July 26, 2017.

(ii) Reserved.

(3) For Piper Aircraft, Inc. service information identified in this AD, contact Piper Aircraft, Inc., Customer Service, 2926 Piper Drive, Vero Beach, Florida 32960; telephone: (877) 879–0275; fax: none; email: *customer.service@piper.com;* Internet: *www.piper.com.*

(4) You may view this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0759.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Kansas City, Missouri, on July 28, 2017.

Pat Mullen,

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

[FR Doc. 2017–16437 Filed 8–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2017–0586]

RIN 1625–AA08

Special Local Regulation; Ohio River; Louisville, KY

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a special local regulation for certain navigable waters of the Ohio River from mile marker (MM) 602.0 to MM 604.0. This action is necessary to provide for the safety of life on the navigable waters near Louisville, KY, during a regatta between August 18 and 20, 2017. This rulemaking prohibits persons and vessels from being within the special local regulation unless authorized by the Captain of the Port Sector Ohio Valley (COTP) or a designated representative.

DATES: This rule is effective from 11 a.m. on August 18, 2017 through 6 p.m. on August 20, 2017.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email MST1 Kevin Schneider, Waterways Department Sector Ohio Valley, U.S. Coast Guard; telephone 502–779–5333, email *Kevin.L.Schneider@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Sector Ohio Valley
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. This action is necessary to ensure the safety of the life during the Grand Prix of Louisville Regatta marine event. It is impracticable to publish an NPRM because we must establish this Special Local Regulation by August 18, 2017, and lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during the event and immediate action is necessary to prevent possible loss of life and property.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1233. The Captain of the Port Sector Ohio Valley (COTP) has determined the need to protect participants during the Grand Prix of Louisville Regatta on the Ohio River from mile marker (MM) 602.0 to MM 604.0. The purpose of this rule is to protect personnel, vessels, and these navigable waters before, during, and after the scheduled event.

IV. Discussion of the Rule

This rule establishes a temporary special local regulation that will be enforced from 11 a.m. to 7 p.m. on August 18, 9 a.m. to 7 p.m. on August 19, and 10 a.m. to 6 p.m. on August 20. The temporary special local regulation will cover all navigable waters of the Ohio River from MM 602.0 to MM 604.0. The duration of the special local regulation is intended to ensure the safety of waterway users and these navigable waters before, during, and after the scheduled event. No vessel or person is permitted to enter the special local regulated area without obtaining permission from the COTP.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time-of-day of the special local regulation. The river will be closed to all vessel traffic from 11 a.m. to 7 p.m. on August 18, 9 a.m. to 7 p.m. on August 19, and 10 a.m. to 6 p.m. on August 20, from MM 602.0 to MM 604.0. Moreover, the Coast Guard will issue written Local Notice to Mariners and Broadcast Notice to Mariners via

VHF–FM marine channel 16 about the temporary special local regulation that is in place.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves special local regulated area that prohibits entry to unauthorized vessels. It is categorically excluded from further review under paragraph 34(h) of Figure 2–1 of the Commandant Instruction. A Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C 1233.

■ 2. Add § 100.35T08–0586 to read as follows:

§ 100.35T08–0586 Special Local Regulation; Ohio River, Louisville, KY.

(a) *Location.* All navigable waters of the Ohio River beginning at mile marker (MM) 602.0 and ending at MM 604.0 in Louisville, KY.

(b) *Periods of enforcement.* This rule will be enforced from 11 a.m. on August 18, 2017 through 6 p.m. on August 20, 2017.The Captain of the Port Sector Ohio Valley (COTP) or a designated representative will inform the public through broadcast notice to mariners of the enforcement period for the special local regulation.

(c) *Regulations.* (1) In accordance with the general regulations in § 100 of this part, entry into this area is prohibited unless authorized by the COTP or a designated representative.

(2) Recreational vessels may be permitted to transit the regulated area but are restricted to at least 1,000 ft. from the perimeter of the race course and restricted to the Indiana side of the Ohio River. Recreational vessels transiting into and away from this area are restricted to the slowest safe speed creating minimum wake.

(3) The COTP may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(4) All other persons or vessels desiring entry into or passage through the area must request permission from the COTP or a designated representative. U. S. Coast Guard Sector Ohio Valley may be contacted on VHF Channel 13 or 16, or at 1–800–253–7465.

Dated: August 3, 2017.

M.A. Wike,

Commander, U.S. Coast Guard, Acting Captain of the Port, Sector Ohio Valley.

[FR Doc. 2017–16767 Filed 8–8–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 147

[Docket Number USCG–2017–0110]

RIN 1625–AA00

Safety Zone; Stampede TLP, Green Canyon 468, Outer Continental Shelf on the Gulf of Mexico

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a safety zone around the Stampede Tension Leg Platform (TLP) facility located in Green Canyon Block 468 on the Outer Continental Shelf (OCS) in the Gulf of Mexico. The purpose of the safety zone is to protect the facility from all vessels operating outside the normal shipping channels and fairways that are not providing services to or working with the facility. Placing a safety zone around the facility will significantly reduce the threat of allisions, collisions, oil spills, releases of natural gas, and thereby protect the safety of life, property, and the environment.

DATES: This rule is effective September 8, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0110 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Rusty Wright, U.S. Coast Guard, District Eight Waterways Management Branch; telephone 504–671–2138, *rusty.h.wright@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
FR Federal Register
NPRM Notice of proposed rulemaking
OCS Outer Continental Shelf
TLP Tension Leg Platform
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

HESS Corporation requested that an OCS safety zone extending 500 meters from each point on the Stampede Tension Leg Platform (TLP) facility structure's outermost edge be established. There are safety concerns for both the personnel aboard the facility and the environment. In response, on May 10, 2017, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Stampede TLP, Green Canyon 468, Outer Continental Shelf on the Gulf of Mexico (82 FR 21337). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this safety zone. During the comment period that ended on June 7, 2017, we received 1 comment.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 14 U.S.C. 85, 43 U.S.C. 1333, Department of Homeland Security Delegation No. 0170.1, and 33 CFR 147.1 and 147.10, which collectively permit the establishment of safety zones for facilities located on the OCS for the purpose of protecting life and property on the facilities, and the marine environment in the safety zones. The Coast Guard has determined that a safety zone is necessary to protect the facility from all vessels operating outside the normal shipping channels and fairways that are not providing services to or working with the facility. Navigation in the vicinity of the safety zone consists of large commercial shipping vessels, fishing vessels, cruise ships, tugs with tows and the occasional recreational vessel. The deepwater area also includes an extensive system of fairways. The purpose of the rule is to significantly reduce the threat of allisions, oil spills, and releases of natural gas, and thereby protect the safety of life, property, and the environment.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received 1 comment on our NPRM published on May 10, 2017. The commenter asked to specify the horizontal datum (NAD 27, NAD 83, etc.) for the latitude and longitude position in the rule. We have done so. In this rule, as in all OCS Safety Zone rules, we use the NAD 83 horizontal datum.

This rule establishes a safety zone on the Outer Continental Shelf (OCS) in the deepwater area of the Gulf of Mexico at Green Canyon Block 468. The area for the safety zone is 500 meters (1640.4 feet) from each point on the facility, which is located at 27°30′33.3431″ N., 90°33′22.963″ W., (NAD 83). The deepwater area is waters of 304.8 meters (1,000 feet) or greater depth extending to the limits of the Exclusive Economic Zone (EEZ) contiguous to the territorial sea of the United States and extending to a distance up to 200 nautical miles from the baseline from which the breadth of the sea is measured. No vessel, except those attending the facility, or those less than 100 feet in length and not engaged in towing will be permitted to enter the safety zone without obtaining permission from Commander, Eighth Coast Guard District or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the location of the Stampede TLP, on the OCS, and its distance from both land and safety fairways. Vessels traversing waters near the safety zone will be able to safely travel around the zone using alternate routes. Exceptions to this rule include vessels measuring less than 100 feet in length overall and not engaged in towing. The Eighth Coast Guard District Commander, or a designated representative, will consider requests to transit through the safety zone on a case-by-case basis.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small

businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves establishing a safety zone around an offshore deepwater facility. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary environmental analysis checklist and Categorical Exclusion Determination, prepared and signed before April 3, 2017, are available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 147

Continental shelf, Marine safety, Navigation (water).

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 147 as follows:

PART 147—SAFETY ZONES

■ 1. The authority citation for part 147 continues to read as follows:

Authority: 14 U.S.C. 85; 43 U.S.C. 1333; and Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 147.867 to read as follows:

§ 147.867 Stampede TLP facility safety zone.

(a) *Description.* The Stampede Tension Leg Platform (TLP) system is in the deepwater area of the Gulf of Mexico at Green Canyon Block 468. The facility is located at 27°30′33.3431″ N. 90°33′22.963″ W. (NAD 83) and the area within 500 meters (1640.4 feet) from each point on the facility structure's outer edge is a safety zone.

(b) *Regulation.* No vessel may enter or remain in this safety zone except the following:

(1) An attending vessel, as defined by 33 CFR 147.20;

(2) A vessel under 100 feet in length overall not engaged in towing; or

(3) A vessel authorized by the Eighth Coast Guard District Commander.

Dated: July 14, 2017.

David R. Callahan,

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

[FR Doc. 2017–16685 Filed 8–8–17; 8:45 am]

BILLING CODE 9110–04–P

LEGAL SERVICES CORPORATION

45 CFR Part 1629

Bonding Requirements for Recipients

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This final rule revises the Legal Services Corporation's (LSC or the Corporation) regulation about bonding requirements for LSC recipients. It requires recipients to bond all their employees and to ensure that third parties who handle recipients' funds have bond coverage, allows recipients to use other forms of insurance similar to fidelity bonds, raises the minimum level of coverage, and allows recipients to use LSC funds to pay for bonding costs. This final rule updates regulations to reflect current insurance practices and simplifies the language in the rule to reduce confusion.

DATES: This final rule is effective September 8, 2017. LSC recipients and subrecipients must comply with the rule no later than December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Stefanie K. Davis, Assistant General Counsel, Legal Services Corporation, 3333 K Street NW., Washington, DC 20007; (202) 295–1563 (phone), (202) 337–6519 (fax), or *sdavis@lsc.gov.*

SUPPLEMENTARY INFORMATION:

I. Regulatory Background

LSC created part 1629 in 1984 after several situations in which recipients lost LSC funds through the dishonest behavior of persons associated with the recipient. 49 FR 28717, July 16, 1984. While the recipient recovered the funds in some cases, in others, the recipient had to absorb the loss. *Id.*

Before enacting part 1629, LSC recommended that recipients have fidelity coverage as a basic internal control. *See* LSC Audit and Accounting Guide for Recipients and Auditors, revised June 1977, p. 3–3. LSC intended part 1629 to ''make mandatory [this] important protection for the limited funds available to serve eligible clients.'' 49 FR 23396, June 6, 1984. LSC originally proposed requiring programs to obtain fidelity bond coverage at a minimum level equal to 25% of the recipient's annualized LSC funding. *Id.* Based on comments received in response to the proposed rule, LSC decreased the required coverage level to 10%. 49 FR 28717, July 16, 1984. LSC also set a $50,000 minimum coverage level ''in response to the recognition that a loss to a small program is proportionally greater in effect than a similar one to a large program.'' *Id.*

LSC added rulemaking on part 1629 to its annual rulemaking agenda in April 2016. Regulatory action is justified for three reasons.

First, the regulation is outdated. LSC has not revised part 1629 since it was adopted in 1984, and LSC should update it to reflect current insurance practices.

Second, the regulation was derived from a source that does not provide the optimal model for a federally funded grant-making entity today. The original rule was based on fidelity bonding provisions found in the Employee Retirement Income Security Act of 1974 (ERISA). *See* Section 412 of Pub. L. 93–406, and related regulations at 29 CFR 2550.412–1 and 29 CFR part 2580. ERISA concerns minimum standards for retirement plans in private industry. LSC no longer believes that this is an appropriate model for LSC to follow, and that instead LSC should look to current regulations governing similar grant-making entities and to reflect current insurance practices.

Third, the current regulation is in some respects unclear or ambiguous. LSC has received requests for guidance on how to interpret certain provisions in part 1629, particularly those sections about the form and extent of coverage required by the rule. LSC does not believe that the language in part 1629 provides sufficiently clear guidance to LSC recipients or to LSC staff. LSC proposed an approach that is tailored to LSC's needs and that simplifies the language in the rule.

On October 17, 2016, the Operations and Regulations Committee (Committee) of LSC's Board of Directors (Board) voted to recommend that the Board authorize rulemaking on part 1629. On October 19, 2016, the Board authorized LSC to begin rulemaking. On April 23, 2017, the Committee voted to recommend that the Board approve publication of a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** for notice and public comment. On April 24, 2017, the Board accepted the Committee's recommendation and voted to approve publication of the NPRM in the **Federal Resister.** 82 FR 20555, May 3, 2017. On July 21, 2017, the Committee recommended publication of this final rule to the Board. On July 22, 2017, the Board voted to publish this final rule.

Material about this rulemaking is available in the open rulemaking section of LSC's Web site at *http://www.lsc.gov/about/regulations-rules/open-rulemaking.* After the effective date of this rule, those materials will appear in the closed rulemaking section of LSC's Web site at *http://www.lsc.gov/about/regulations-rules/closed-rulemaking.*

II. Section-by-Section Discussion of Comments

LSC received one comment during the public comment period from Legal Action of Wisconsin, Inc. (Legal Action), an LSC recipient. Legal Action generally supported LSC's proposed changes but expressed concern about the inclusion of ''volunteers'' as among the persons required to be bonded. Legal Action also asked that LSC allow recipients to charge bonding costs as ''direct'' costs to their LSC grant. These comments and LSC's response will be discussed in more detail below.

Section 1629.1 Purpose

Part 1629 currently does not have a purpose section. LSC proposed to add a purpose section stating who must be covered under the bond and what losses the bond must protect against.

LSC received one comment on this section which will be addressed in the response to the comment on § 1629.3 of the proposed rule. LSC does not propose to make any changes to this section in the final rule.

Section 1629.2 Definitions

LSC proposed to define *annualized funding level* to include the amount of the Basic Field Grant and special purpose grant funds a recipient receives annually from LSC. LSC believes it is necessary to include ''special purpose grants'' of LSC funds, such as Technology Initiative Grants, Pro Bono Innovation Fund grants, and emergency relief grants in the definition of *annualized funding level* to ensure that the maximum amount of LSC funds are protected.

LSC received no comments on this section of the proposed rule. LSC will adopt the language as proposed in the final rule.

Section 1629.3 Who must be bonded?

LSC currently requires recipients to bond ''[e]very director, officer, employee and agent of a program who *handles* funds or property of the program . . . .'' 45 CFR 1629.2(a) (emphasis added). LSC considers the term ''handles'' to include access to funds or other recipient property or ''decision-making powers with respect to funds or property which can give rise to [] risk of loss.'' *Id.* Through a review of recipient insurance policies, LSC has found that most grantees have fidelity coverage for all their employees. This common practice exceeds the current minimum requirements of part 1629. When employees who were not required to be bonded under part 1629 have misappropriated LSC funds, grantees that exceeded the minimum part 1629 coverage have typically been protected from loss. LSC believes this common practice is desirable and proposes to require that recipients carry coverage for all employees, regardless of whether the employees ''handle'' program funds.

LSC does not believe that requiring coverage for all employees will impose more costs on the recipients. LSC examined 136 recipient policies from 2015–2017, including recipients that are no longer receiving an LSC grant, and only one recipient had a schedule policy covering a select number of individuals. LSC compared that schedule policy to blanket policies purchased by grantees of similar size and determined that the schedule policy was more expensive than the blanket policies of the other recipients. This analysis supports the conclusion that LSC is not imposing costs that the

recipients do not already bear, and that the proposed update to the regulation is consistent with recipients' existing practices.

LSC currently requires grantees to bond ''agents'' who handle funds or property of the program. 45 CFR 1629.2(a). But LSC has found that most recipients' policies do not cover the dishonest or fraudulent actions of agents and independent contractors. In fact, many policies explicitly exclude agents and independent contractors from the definition of ''covered employee.'' This exclusion is problematic, as LSC recipients are now turning to third parties to handle payroll functions. *See* Legal Services Corporation Board of Directors, Operations and Regulations Committee, Transcript of Rulemaking Workshop, Wednesday, May 18, 2016, pp. 82–84 (comments of Diana White). This means that LSC funds are handled by persons outside of the recipient's control and insurance coverage. In areas where there are few insurers to choose from, it may be impossible for recipients to get insurance that covers ''agents'' or ''independent contractors.''

To address these issues and adequately protect LSC funds from misappropriation by recipients and third parties, LSC proposed three changes to the existing rule. First, LSC proposed to require that recipients' bonds cover volunteers, in addition to directors, officers, employees, and agents of the recipient. Second, LSC proposed to require recipients to ensure that third parties who provide payroll, billing, and collection services to the recipient have fidelity bond coverage or similar insurance. The recipient may accomplish this either by extending its own insurance to the third party or by ensuring that the third party has its own fidelity bond coverage sufficient to protect LSC funds in the third party's hands. Finally, LSC proposed to include language allowing recipients to either cover subrecipients through their own fidelity policies or ensure that the subrecipients have policies adequate to protect subgranted funds.

Comments: Legal Action provided three comments about this section. First, Legal Action expressed support for LSC's proposal to extend the coverage requirement under § 1629.3(b) to third parties that only provide payroll, billing, or collection services. Legal Action believed that it would not need to buy more insurance coverage to comply with this requirement.

Legal Action also expressed concern, however, about the proposal to require recipients to bond ''volunteers.'' Legal Action stated that this will make obtaining coverage more difficult because its current policy covers directors, officers, and employees, but not volunteers. Per Legal Action's insurance agent and its carrier's underwriting staff, Legal Action will need to purchase a stand-alone crime policy with an added endorsement to broaden its coverage to include ''volunteers.'' Legal Action's agent believes this could increase annual premiums by 26%.

Because of the increased premiums, Legal Action asked LSC to drop ''volunteers'' from the proposed rule in §§ 1629.1 & 1629.3(a). Legal Action also suggested that if LSC decided to keep ''volunteers'' in the proposed rule, then LSC should define ''volunteers.'' Legal Action suggested that LSC limit the requirement to volunteers who have access to LSC funds and exclude volunteer attorneys who accept cases referred from Legal Action.

Finally, Legal Action asked that LSC drop the requirement under § 1629.3(c)(1) that subrecipients supply coverage for volunteers. Legal Action expressed concern that subrecipients also would likely incur additional costs to meet this requirement. Legal Action stated this requirement may discourage potential subrecipients from partnering with LSC recipients in cases where the subgrant is small and the cost of compliance is high.

Response: LSC will retain the language from the proposed rule. For most recipients, the proposed rule will not impose additional costs. This is because most recipients' policies already include ''volunteers'' in the definition of a covered ''employee.'' In those policies, ''volunteers'' are limited to those who are subject to the recipient's direction and control and who perform services for the recipient.

LSC reviewed the policies of six recipients similar in size to Legal Action who have policies that include ''volunteers'' as employees covered by the policy. Policies ranged in amount from $250,000 to $1 million in coverage, with deductibles ranging from $2,500 to $10,000, and annual premiums ranging from $1,124 to $3,628. From this analysis, it appears that insurers offer policies Legal Action could consider purchasing that would provide coverage for the actions of volunteers without additional expense.

As to the requirement that subrecipients also provide coverage for volunteers, LSC will retain the proposed language. Anytime a recipient delegates tasks to another entity, often with less capacity and/or fewer controls than the recipient itself has, that recipient runs the risk that LSC funds may be misappropriated. Because most subgrantee agreements may entail a greater risk, LSC thinks it would be imprudent to relax the requirements proposed in the NPRM.

Section 1629.4 What forms of bonds can recipients use?

Current § 1629.5 allows recipients to choose different forms of bonds, such as individual, blanket, or schedule. 45 CFR 1629.5. Section 1629.5 currently does not address whether recipients may choose types of insurance other than a fidelity bond that achieve the same purpose as a fidelity bond. Most LSC recipients now protect against employee dishonesty through riders to their standard commercial crime policies. Few grantees obtain separate fidelity bonds.

In 1999, LSC issued an external opinion permitting recipients to use employee dishonesty insurance to satisfy the bonding requirements of part 1629 if the recipient could show that the policy gives the same level of protection as a fidelity bond. *See* External Opinion 1999–10–26, Part 1629 Purchase of Employee Dishonesty Insurance in Lieu of a Fidelity Bond (October 26, 1999). To reflect this long-standing LSC policy, LSC proposed revising part 1629 to expressly allow recipients to substitute employee dishonesty policies or other methods of coverage for fidelity bonds. This revision would give recipients greater flexibility to choose the most readily available and cost-effective methods of insuring LSC funds. The revision also would make clear that the substance and amount of coverage is more important than the form.

LSC received no comments on this section of the proposed rule. LSC will adopt the language as proposed in the final rule.

Section 1629.5 What losses must the bond cover?

Current § 1629.4 requires recipients to have bonds that protect them against ''all those risks of loss that might arise through dishonest or fraudulent acts in the handling of funds[.]'' The strict language—''all those risks of loss''—implies that recipients must be completely covered in the event of a loss, and that policies with deductibles would not be acceptable under current part 1629. This is because if a recipient has LSC funds stolen, and the policy requires the recipient to absorb a portion of that loss by paying a deductible, then the recipient's policy did not cover against ''all those risks of loss.'' Such strict language makes sense under ERISA statutes and regulations, as they are designed to protect retirees' pension funds. But such language may

prevent recipients from obtaining policies that will protect LSC funds adequately if policies without deductibles are prohibitively expensive.

In the NPRM, LSC proposed to simplify the language about the types of losses that the bond must cover and revise the rule to allow recipients to purchase policies that require payment of deductibles. LSC proposed revising the definition to state simply that the ''bond must provide recovery for loss caused by such acts as: Fraud, dishonesty, larceny, theft, embezzlement, forgery, misappropriation, wrongful abstraction, wrongful conversion, willful misapplication, or any other fraudulent or dishonest act committed by an employee, officer, director, agent, or volunteer.''

LSC received no comments on this section of the proposed rule. LSC will adopt the language as proposed in the final rule.

Section 1629.6 What is the required minimum level of coverage?

Under the existing rule, recipients must maintain bond coverage equal to at least 10% of the recipient's annualized LSC funding or of the initial grant if the program is a new grantee. 45 CFR 1629.1(a). The minimum level of coverage may never be less than $50,000. *Id.* In the NPRM, LSC proposed to increase the minimum coverage level, which has remained unchanged since 1984. Based on a sampling of current recipients' policies, most recipients already exceed the $50,000 minimum level of coverage. In fact, most policies provided coverage in excess of $100,000. For those recipients that currently have a $100,000 policy limit, the average annual premium was $561. Because the common practice among recipients already is to insure recipient funds above the minimum amount required by current § 1629.1(a), LSC believes it is reasonable for LSC to raise the minimum coverage level to $100,000. LSC does not propose to change the minimum percentage for coverage.

LSC received no comments on this section of the proposed rule. LSC will adopt the language as proposed in the final rule.

Section 1629.7 May LSC funds be used to cover bonding costs?

Part 1629 currently is silent as to which costs associated with fidelity bond coverage—deductibles, premiums, rates, and single loss retention—are allowable using LSC funds. To improve clarity on this point, LSC proposed to allow recipients to use LSC funds to pay for the costs of bonding under this part if they are (1) consistent with 45 CFR part 1630, (2) in accordance with sound business practice, and (3) reasonable. This proposed rule is based on the Uniform Guidance, which allows for such costs. *See* 2 CFR 200.427.

LSC considered limiting the amount of deductibles that LSC would consider reasonable in the proposed rule. During the process of drafting this proposed rule, LSC examined a sample of recipients' current fidelity bonds and found that most of those recipients' policies have deductibles ranging from $1,000 to $5,000. LSC could not determine, based on research of external sources, whether there are current best practices in the nonprofit insurance world that would help LSC establish a reasonable limit on deductibles. LSC determined that it would need more data to set deductible limits and has therefore chosen to allow recipients the flexibility to consider the losses they are willing to absorb when deciding the appropriate deductibles, if the deductibles are consistent with part 1630, in accordance with sound business practice, and reasonable.

Comments: Legal Action suggested that LSC allow recipients to charge bonding costs to the LSC grant as either direct or indirect costs. Legal Action reasoned that some recipients may not utilize ''indirect'' cost allocation or may not have an approved ''indirect'' cost rate.

Response: LSC will retain the language from the NPRM in the final rule. LSC does not think it should make an exception to the standard principle set out in the Uniform Guidance that the costs of bonding required by non-Federal entities in the general conduct of their operations are allowable as an indirect cost.

List of Subjects in 45 CFR Part 1629

Fidelity bond, Grant programs-law, Insurance.

For the reasons set forth in the preamble, the Legal Services Corporation revises 45 CFR part 1629 to read as follows:

PART 1629—BONDING REQUIREMENTS FOR RECIPIENTS

Sec.

1629.1 Purpose.
1629.2 Definitions.
1629.3 Who must be bonded?
1629.4 What forms of bonds can recipients use?
1629.5 What losses must the bond cover?
1629.6 What is the required minimum level of coverage?
1629.7 Can LSC funds be used to cover bonding costs?

Authority: 42 U.S.C. 2996e(1)(A) and 2996f(3).

§ 1629.1 Purpose.

This part is intended to protect LSC funds by requiring that recipients be bonded or have similar insurance coverage to indemnify recipients against losses resulting from fraudulent or dishonest acts committed by one or more employees, officers, directors, agents, volunteers, and third-party contractors who handle LSC funds.

§ 1629.2 Definitions.

Annualized funding level means the amount of:

(1) Basic Field Grant funds (including Agricultural Worker and Native American) and (2) Special grants of LSC funds, including Technology Initiative Grants, Pro Bono Innovation Fund grants, and emergency relief grants, awarded by LSC to the recipient for the fiscal year included in the recipient's annual audited financial statements.

§ 1629.3 Who must be bonded?

(a) A recipient must supply fidelity bond coverage for all employees, officers, directors, agents, and volunteers.

(b) If a recipient uses a third party for payroll, billing, or collection services, the recipient must either supply coverage covering the third party or ensure that the third party has a fidelity bond or similar insurance coverage.

(c) For recipients with subgrants:

(1) The recipient must extend its fidelity bond coverage to supply identical coverage to the subrecipient and the subrecipient's directors, officers, employees, agents, and volunteers to the extent required to comply with this Part; or

(2) The subrecipient must supply proof of its own fidelity bond coverage that meets the requirements of this Part for the subrecipient's directors, officers, employees, agents, and volunteers.

§ 1629.4 What forms of bonds can recipients use?

(a) A recipient may use any form of bond, such as individual, name schedule, position schedule, blanket, or any combination of such forms of bonds, as long as the type or combination of bonds secured adequately protects LSC funds.

(b) A recipient may use similar forms of insurance that essentially fulfill the same purpose as a fidelity bond.

§ 1629.5 What losses must the bond cover?

The bond must provide recovery for loss caused by such acts as fraud, dishonesty, larceny, theft,

embezzlement, forgery, misappropriation, wrongful abstraction, wrongful conversion, willful misapplication, or any other fraudulent or dishonest act committed by an employee, officer, director, agent, or volunteer.

§ 1629.6 What is the required minimum level of coverage?

(a) A recipient must carry fidelity bond coverage or similar coverage at a minimum level of at least ten percent of its annualized funding level for the previous fiscal year.

(b) If a recipient is a new recipient, the coverage must be at a minimum level of at least ten percent of the initial grant.

(c) Notwithstanding paragraphs (a) and (b) of this section, recipients must not carry coverage under this part at a level less than $100,000.

§ 1629.7 Can LSC funds be used to cover bonding costs?

Costs of bonding required by this part are allowable if expended consistent with 45 CFR part 1630. Costs of bonding such as rates, deductibles, single loss retention, and premiums, are allowable as an indirect cost if such bonding is in accordance with sound business practice and is reasonable.

Dated: August 3, 2017.

Mark Freedman,

Senior Associate General Counsel.

[FR Doc. 2017–16765 Filed 8–8–17; 8:45 am]

BILLING CODE 7050–01–P

Proposed Rules

Federal Register
Vol. 82, No. 152
Wednesday, August 9, 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 HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0585]

RIN 1625–AA00

Safety Zone; Upper Mississippi River, Crystal City, MO

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a temporary safety zone for navigable waters of the Upper Mississippi River (UMR) from mile 147.5 to 148.5. This action is necessary to protect persons, property, and infrastructure from potential damage and safety hazards associated with work being completed on new power lines across the river. This proposed rulemaking would prohibit persons and vessels from being in the safety zone unless authorized by the Captain of the Port Sector Upper Mississippi River (COTP) or a designated representative. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before September 8, 2017.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0585 using the Federal eRulemaking Portal at *http://www.regulations.gov*. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email LCDR Sean Peterson, Chief of Prevention, U.S. Coast Guard; telephone 314–269–2332, email *Sean.M.Peterson@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Upper Mississippi River
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
UMR Upper Mississippi River
U.S.C. United States Code

II. Background, Purpose, and Legal Basis

On May 1, 2017, Ameren notified the Coast Guard that it would be conducting high wire work across the Upper Mississippi River (UMR) at river mile 148 from 7:30 a.m. to 6:30 p.m. each day beginning October 17, 2017 through November 01, 2017. Hazards involved with high wire work include falling cable and a blocked navigation channel. Due to the risks associated with this work crossing the navigable channel, a closure would be needed. The Captain of the Port Upper Mississippi River (COTP) has determined that potential hazards associated with stretching power lines across the navigational channel present safety concerns for anyone within this limited area of the UMR. The purpose of this proposed rulemaking is to ensure the safety of vessels and the navigable waters between mile markers (MM) 147.5 and MM 148.5 during the high wire work over the river. The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

The COTP is proposing to establish a safety zone from 7:30 a.m. on October 17, 2017, through 6:30 p.m. on November 01, 2017. The safety zone would include all navigable waters between MM 147.5 and MM 148.5 on the UMR and would be enforced from 7:30 a.m. to 6:30 p.m. each day or until conditions allow for safe navigation, whichever occurs earlier. The duration of the zone is intended to ensure the safety of the vessels on the navigable waters during the high wire work. No vessel or person would be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time of day of the safety zone. This proposed rule would have minimum impact on navigable waterway vessel traffic because it will only be in effect during daylight hours from 7:30 a.m. to 6:30 p.m., and would restrict transit in and through a section of the UMR of one mile. Moreover, the Coast Guard would issue a BNM (Broadcast Notice to Mariners) via VHF–FM radio channel 16 about the zone and the proposed rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

While some owners or operators of vessels intending to transit the safety

zone may be small entities, for the reasons stated in section V.A. above, this rule will not have a significant economic impact on any vessel owner or operator.

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a safety zone on the UMR from MM 147.5 to MM 148.5. Normally such actions are categorically excluded from further review under paragraph 34(g) of Figure 2–1 of Commandant Instruction M16475.lD. A preliminary Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov*. If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice.*

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that Web site's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0585 to read as follows:

§ 165.T08–0585 Safety Zone; Upper Mississippi River 147.5 to 148.5, Crystal City, MO

(a) Location. The following area is a safety zone: All navigable waters of the Upper Mississippi River mile 147.5 to 148.5, Crystal City, MO.

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Upper Mississippi River (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of

this part, you may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative via VHF–FM channel 16, or through Coast Guard Sector Upper Mississippi River at 314–269–2332. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(d) *Enforcement period.* This section will be enforced from 7:30 a.m. on October 17, 2017 through 6:30 p.m. on November 01, 2017.

(e) *Informational broadcasts.* The COTP or a designated representative will inform the public through broadcast notices to mariners of the enforcement period for the safety zone.

Dated: August 2, 2017.

S. A. Stoermer,

Captain, U.S. Coast Guard, Captain of the Port Upper Mississippi River.

[FR Doc. 2017–16766 Filed 8–8–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2016–0683; FRL 9965–88–OAR]

RIN 2060–AT61

Relaxation of the Federal Reid Vapor Pressure (RVP) Gasoline Volatility Standard for Several Parishes in Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve an April 10, 2017 request from the Louisiana Department of Environmental Quality (LDEQ) to relax the Federal Reid Vapor Pressure (RVP) volatility standard applicable to gasoline introduced into commerce from June 1 to September 15 of each year for the following parishes: Beauregard, Calcasieu, Jefferson, Lafayette, Lafourche, Orleans, Pointe Coupee, St. Bernard, St. Charles, St. James, and St. Mary. For this action, EPA is proposing to amend the regulations to allow the RVP volatility standard for the 11 named parishes to increase from 7.8 pounds-per-square-inch (psi) to 9.0 psi for gasoline sold within those parishes. EPA has preliminarily determined that this change to the Federal gasoline RVP volatility regulation is consistent with the applicable provisions of the Clean Air Act (CAA). LDEQ has also requested that EPA relax summertime gasoline volatility requirements for the 5-parish Baton Rouge area, and EPA will address that request in a separate rulemaking at a later date.

DATES: Written comments must be received on or before September 8, 2017 unless a public hearing is requested by August 24, 2017. If EPA receives such a request, we will publish information related to the timing and location of the hearing and announce a new deadline for public comment.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2016–0683, to the *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. EPA may publish any comment received by its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information disclosure of which is restricted by statute. If you need to include CBI as part of your comment, please consult the instructions available at *http://www.epa.gov/dockets/comments.html.* Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make.

For additional submission methods, the full EPA public comment policy, and general guidance on making effective comments, please see the information available at *http://www.epa.gov/dockets/comments.html.*

FOR FURTHER INFORMATION CONTACT: Dave Sosnowski, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, Michigan 48105; telephone number: (734) 214–4823; fax number: (734) 214–4052; email address: *sosnowski.dave@epa.gov.* You may also contact Rudolph Kapichak at the same address; telephone number: (734) 214–4574; fax number: (734) 214–4052; email address: *kapichak.rudolph@epa.gov.*

SUPPLEMENTARY INFORMATION:

The contents of this preamble are listed in the following outline:

I. General Information
II. Public Participation
III. Background and Proposal
IV. Proposal
V. Statutory and Executive Order Reviews
VI. Legal Authority

I. General Information

A. Does this action apply to me?

Entities potentially affected by this proposed rule are fuel producers and distributors who do business in Louisiana.

Examples of potentially regulated entities	NAICS [1] Codes
Petroleum refineries	324110
Gasoline Marketers and Distributors	424710 424720
Gasoline Retail Stations	447110
Gasoline Transporters	484220 484230

[1] North American Industry Classification System.

The above table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. The table lists the types of entities of which EPA is aware that could be affected by this proposed rule. Other types of entities not listed on the table could also be affected. To determine whether your organization may be affected by this proposed rule, you should carefully examine the regulations in 40 CFR 80.27. If you have questions regarding the applicability of this action to a particular entity, call the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

B. What is the Agency's authority for taking this action?

The statutory authority for this action is granted to EPA by sections 211(h) and 301(a) of the Clean Air Act, as amended; 42 U.S.C. 7545(h) and 7601(a).

II. Public Participation

EPA will not hold a public hearing on this matter unless a request is received by the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble by August 24, 2017. If EPA receives such a request, we will publish information related to the timing and location of the hearing and announce a new deadline for public comment.

III. Background and Proposal

A. Summary of the Proposal

EPA is proposing to approve a request from the State of Louisiana to change the summertime gasoline RVP volatility standard for the parishes of Beauregard, Calcasieu, Jefferson, Lafayette, Lafourche, Orleans, Pointe Coupee, St. Bernard, St. Charles, St. James, and St. Mary from 7.8 psi to 9.0 psi by amending EPA's regulations at 40 CFR 80.27(a)(2). EPA is deferring action on

the State's relaxation request for the Baton Rouge area (*i.e.,* the parishes of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge) pending a revision of Louisiana's SIP to address the requisite CAA section 110(l) non-interference demonstration that using the higher RVP fuel will not negatively impact air quality in the area or interfere with the area's ability to meet any applicable CAA requirements.

The preamble for this rulemaking is organized as follows: Section III.B. provides the history of the federal gasoline volatility regulation. Section III.C. describes the policy regarding relaxation of gasoline volatility standards in ozone nonattainment areas that are redesignated as attainment areas. Section III.D. provides information specific to Louisiana's request for the 11 parishes, and EPA's rationale for proposing approval without a CAA section 110(l) noninterference demonstration from the State.

B. History of the Gasoline Volatility Requirement

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

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

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

On December 12, 1991 (56 FR 64704), EPA modified the Phase II volatility regulations to be consistent with CAA section 211(h). The modified regulations prohibited the sale of gasoline with an RVP above 9.0 psi in all areas designated attainment for ozone, effective January 13, 1992. For areas designated as nonattainment, the regulations retained the original Phase II standards published on June 11, 1990 (55 FR 23658), which included the 7.8 psi ozone season limitation for certain areas. As stated in the preamble to the Phase II volatility controls and reiterated in the proposed change to the volatility standards published in 1991, EPA will rely on states to initiate requests to change volatility requirements applicable to them. EPA's policy for approving such changes is described below in Section III.C.

Because these 11 parishes are no longer within the timeframe covered by any approved maintenance plan for ozone the State does not need to submit and EPA does not need to approve either a revision to an approved maintenance plan or a non-interference demonstration under CAA section 110(l). CAA section 110(l) states that the ''Administrator shall not approve *a revision of a plan,* if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress (as defined in section 7501 of this title), or any other applicable requirement of this chapter'' [emphasis added]. CAA section 110(l) applies when the Administrator approves a revision to a plan. In the case of the 11 parishes and the request to relax the federal summertime gasoline volatility limit, there is no plan to revise and the action, if finalized, would result in a change to the Federal gasoline volatility regulation as opposed to a change to any approved state plan. EPA's reasons for proposing to approve the State's request are discussed in Section III.D.

C. EPA's Policy Regarding Relaxation of Federal Gasoline Volatility Standards

As stated in the preamble for EPA's amended Phase II volatility standards (*See* 56 FR 64706, December 12, 1991), any change in the gasoline volatility standard for a nonattainment area that was subsequently redesignated as an attainment area must be accomplished through a separate rulemaking that revises the applicable standard for that area. Thus, for former 1-hour ozone nonattainment areas where EPA mandated a Phase II summertime volatility standard of 7.8 psi RVP in the December 12, 1991 rulemaking, the federal 7.8 psi gasoline RVP requirement remains in effect, even after such an area is redesignated to attainment, until a separate rulemaking is completed that relaxes the federal summertime gasoline RVP volatility standard in that area from 7.8 psi to 9.0 psi.

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

Some former 1-hour ozone nonattainment areas that remain subject to the federal summertime RVP limit of 7.8 psi have been designated as attainment areas for both the 1997 and 2008 ozone NAAQS and based on the latest available air quality data are also attaining the more stringent 2015 ozone NAAQS.

As required by the Phase 1 implementation rule for the 1997 ozone NAAQS, states submitted, and EPA approved, CAA section 110(a)(1) maintenance plans for these areas. These CAA section 110(a)(1) maintenance plans were required to provide for maintenance of the 1997 ozone NAAQS for a period of 10 years after areas were designated for that NAAQS in 2004. (*See* 69 FR 23951, April 30, 2004.) Such areas were not required by the implementation rule for the 2008 ozone NAAQS to submit a maintenance plan for that NAAQS. (*See* 80 FR 12264, March 6, 2015.) These areas are not currently within the timeframe addressed by any maintenance plans for any ozone NAAQS.

EPA has concluded that there is neither an implementation plan revision nor a CAA section 110(l) demonstration required in order for EPA to approve a state's request to relax the federal summertime gasoline RVP limit under the circumstances described above for such areas including the 11 parishes that are the subject of this proposal. In order for EPA to approve a request to relax the federal RVP limit for such areas, the Governor or his/her designee must request that the Administrator revise the federal gasoline RVP regulations to remove the subject areas from the list of required areas in 40 CFR 80.27(a)(2). The state may provide any relevant supporting information such as recent air quality data, designation status for ozone and information on previously approved ozone maintenance plans. The Administrator's decision on whether to grant a state's request to revise the federal gasoline RVP regulations in such cases would be documented through notice and comment rulemaking.

D. Louisiana's Request To Relax the Federal Summertime Gasoline RVP Volatility Requirement for Several Parishes in the State

On April 10, 2017, LDEQ requested that EPA relax the current summertime gasoline RVP volatility standard of 7.8 psi to 9.0 psi for 16 Louisiana parishes, the 5 parishes of the Baton Rouge area, and 11 other parishes: Beauregard, Calcasieu, Jefferson, Lafayette, Lafourche, Orleans, Pointe Coupee, St. Bernard, St. Charles, St. James, and St. Mary. These other 11 parishes attained the 1-hour ozone NAAQS and were redesignated to attainment with approved CAA section 175A maintenance plans. They were then designated as attainment for the 1997 ozone NAAQS. As such, the State was required by EPA's Phase 1 rule, which implemented the 1997 ozone NAAQS, to submit CAA section 110(a)(1) maintenance plans for these parishes that addressed the 10-year period from 2004 to 2014.[2] (*See* 69 FR 23951, April 30, 2004.) For more information on Louisiana's section 110(a)(1) maintenance plans for the 1997 ozone NAAQS, please refer to the following **Federal Register** notices approving the maintenance plans for the parishes listed parenthetically after the citation: 72 FR 62579 (Beauregard and St. Mary Parishes); 73 FR 15411 (Lafayette and Lafourche Parishes); 78 FR 57058 (Pointe Coupee Parish); 73 FR 53403 (New Orleans Parish); and 73 FR 59518 (Calcasieu and St. James Parishes). Louisiana was not required to submit second 10-year CAA section 175A maintenance plans for the 1-hour ozone NAAQS for these parishes. In 2012, all 11 parishes were designated as attainment for the 2008 ozone NAAQS. Because they were designated as attainment for both the 2008 and 1997 ozone NAAQS, they were not required to submit a CAA section 110(a)(1) maintenance plan for the 2008 ozone NAAQS. Therefore, these parishes are no longer within the timeframe that was addressed by any approved maintenance plan for any ozone NAAQS. The 11 parishes that are the subject of today's proposal are all attaining the more stringent 2015 ozone NAAQS, and the State did not recommend that any of these 11 parishes be designated as nonattainment for the 2015 ozone NAAQS.[3]

The current ozone design values for the parishes in question, based upon 2013–2015 air quality data are well below the 2015 ozone NAAQS of 70 parts-per-billion (ppb) as shown in Table 1 below.

TABLE 1—OZONE DESIGN VALUES[4]

Parish	2013–2015 Ozone design value (ppb)
Beauregard	N/A
Calcasieu	68
Jefferson	68
Lafayette	67
Lafourche	65
Orleans	67
Pointe Coupee	68
St. Bernard	65
St. Charles	65
St. James	65
St. Mary	N/A

As previously explained, because these 11 parishes are no longer within the timeframe addressed by any ozone maintenance plan and are not subject to any additional ozone planning requirement under the Act, the proposed change from the more stringent federal RVP gasoline volatility requirement of 7.8 psi to the less stringent 9.0 psi gasoline RVP requirement in these areas does not trigger a requirement that the State provide a non-interference demonstration under CAA section 110(l) for these parishes, as would otherwise be required if the areas in question were still within the time period addressed by a CAA section 175A or CAA section 110(a) maintenance plan or were currently designated as nonattainment for any ozone NAAQS. Moreover, the projections for VOC emissions (*i.e.,* the ozone precursor controlled through RVP limitations) from the previously approved CAA section 110(a)(1) maintenance plans for the 1997 ozone NAAQS for the areas covered by the State's request show relatively flat or downward trends through 2014, as illustrated in Table 2 below.

[2] The Phase 1 implementation rule for the 1997 ozone NAAQS did not require the submission of a second 10-year maintenance plan for the 1997 ozone NAAQS.

[3] On September 29, 2015 Louisiana submitted a letter to EPA recommending designations for the 2015 ozone NAAQS. The State recommended that all of the 11 parishes addressed in this proposed action be designated as unclassifiable/attainment. The letter is available at: *https://www.epa.gov/ozone-designations/ozone-designations-2015-standards-louisiana-state-recommendations.*

[4] Beauregard and St. Mary Parishes were allowed to discontinue their ozone monitors in 2006. Beauregard Parish sits just north of Calcasieu Parish and Calcasieu Parish is meeting the 2015 ozone NAAQS with a 2013–2015 ozone design value of 68 ppb. St. Mary Parish sits between Lafayette and Lafourche Parishes, which both are currently meeting the 2015 ozone NAAQS. Lafayette has a 2013–2015 ozone design value of 67 ppb and Lafourche Parish has a 2013–2015 ozone design value of 65 ppb. Orleans and St. Charles Parishes were allowed to discontinue their ozone monitors at the end of 2014. Thus, the design values in the table for these two parishes are based on data from 2012–2014. Orleans and St. Charles Parishes are in the New Orleans metropolitan area. Jefferson and St. Bernard Parishes are also in the New Orleans area. Both of these parishes are meeting the 2015 ozone NAAQS with design values of 68 ppb and 65 ppb, respectively.

TABLE 2—MAINTENANCE PLAN VOC EMISSION PROJECTIONS

Parish	2002 (tpd) [5]	2014 (tpd)	Change (tpd)
Beauregard	13.91	14.02	0.11
Calcasieu	49.59	48.93	−0.66
Lafayette	27.23	19.75	−7.48
Lafourche	24.2	17.95	−6.25
New Orleans	161.83	129.71	−32.12
Pointe Coupee	8.63	7.66	−0.97
St. James	7.81	8.28	0.47
St. Mary	18.74	15.01	−3.73

There are several reasons why these trends are expected to continue regardless of EPA's proposed approval of the State's request to relax federal summertime gasoline RVP volatility requirements in these 11 parishes. For example, the maintenance plan projections listed in Table 2 do not include the emissions impacts from several national rules that will reduce actual VOC and/or oxides of nitrogen (NO_X) emissions from point sources, area sources, as well as on-road and nonroad mobile sources. The national rules that result in VOC and/or NO_X emission reductions not included in the above projection include: EPA's national rules for VOC emission standards for Consumer and Commercial Products (71 FR 58745, 72 FR 57215, 73 FR 40230, 73 FR 58481); Locomotive and Marine Compression-Ignition Engines rule (73 FR 16435); Control of Hazardous Air Pollutants from Mobile Sources (72 FR 8428); Control of Emissions from Non-road Spark-Ignition Engines and Equipment (73 FR 59034); Control of Air Pollution From Aircraft and Aircraft Engines; Emission Standards and Test Procedures (77 FR 36342); and Control of Emissions from New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder (75 FR 22896). Each of these rules was adopted either at the time that Louisiana submitted the CAA section 110(a) maintenance plans for the 11 parishes or after those plans were submitted to EPA for approval. These rules all result in reductions of VOCs and/or NO_X that will ensure the downward trends seen in the maintenance plans for the covered areas continue into the future and that the parishes continue to maintain all of the ozone NAAQS including the 2015 ozone NAAQS.

VOC and NO_X emissions from on-road mobile sources are also projected to decrease as the in-use fleet turns over to newer, cleaner vehicles. In this vein, it is worth noting that the implementation of EPA's Tier 3 Vehicle and Fuel Standards should also help to continue the downward trend in ozone precursors well into the future. (*See* 79 FR 23414, April 28, 2014.) The Tier 3 motor vehicle emissions standards and gasoline standards went into effect on January 1, 2017. The rule is designed to produce an immediate decrease in emissions of VOCs and NO_X due to both the cleaner new vehicles but also because the gasoline required under the Tier 3 rule contains less sulfur. Gasoline sulfur controls like those included in the Tier 3 fuel standards are necessary for the introduction of advanced clean technologies on vehicles, which emit at very low levels. Less sulfur in the gasoline allows the catalytic converters on vehicles in the existing fleet to function better for a longer period of time providing a reduction in NO_X and VOC emissions from the existing fleet that starts immediately.

Lastly, while relaxing the federal gasoline RVP volatility requirement in the areas covered by the State's request could, if considered in isolation, result in a slight increase in VOCs, it is not appropriate to consider the relaxation in these parishes in isolation. The RVP relaxation must be considered in context with the emissions reductions that are attributable to recent regulations on a wide range of sources including the Tier 3 vehicle emission and fuel regulations, which have been implemented since the State last submitted maintenance plans for these areas. When considered with those other recent regulations, the RVP relaxation is not likely to interfere with the 11 parishes' ability to continue meeting the applicable ozone standards. For the reasons cited above, EPA does not believe that the RVP relaxation will translate into measurable ground-level ozone concentration changes.

Therefore and given that: (1) The design values for the areas covered by the request are already well below even the most recent and stringent 2015 ozone NAAQS of 70 ppb, and (2) any increase in VOC emissions are expected to be offset by continued fleet turnover and national rules aimed at reducing VOC and NO_X emissions from numerous sources, EPA has concluded that a relaxation of the federal RVP fuel requirement will not have an appreciable impact on ozone levels and that these 11 parishes will remain in attainment of the ozone NAAQS. EPA is therefore proposing to approve Louisiana's relaxation request for the 11 parishes included in the State's request.

IV. Proposal

In this action, EPA is proposing to approve Louisiana's request to relax the summertime ozone season gasoline RVP volatility standard for Beauregard, Calcasieu, Jefferson, Lafayette, Lafourche, Orleans, Pointe Coupee, St. Bernard, St. Charles, St. James, and St. Mary parishes from 7.8 psi to 9.0 psi. Specifically, EPA is proposing to amend the applicable gasoline RVP standard to allow the gasoline RVP requirements to rise from 7.8 psi to 9.0 psi as provided for at 40 CFR 80.27(a)(2) for the 11 named parishes. This proposal to approve Louisiana's request to relax the summertime ozone season gasoline RVP volatility standard for the 11 parishes from 7.8 psi to 9.0 psi is based on the redesignation of the named areas to attainment of the 1-hour ozone standard and their designation as attainment for the 1997 and 2008 ozone NAAQS. Additionally, the recent air quality data from monitors in the parishes demonstrates that they are attaining the 2015 ozone NAAQS of 70 ppb. And lastly, emission reductions from national rules aimed at reducing VOCs and NO_X that were not previously claimed or accounted for in the State's projection of VOC trends for its maintenance plans will ensure continued attainment of the 2015 ozone NAAQS. EPA intends to examine whether there is ''good cause,'' under 5 U.S.C. 553(d)(3), to designate the publication date of the final rule (based on today's proposal) as the effective date for implementation of the final rule.

[5] tpd = tons per day.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563. (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose any new information collection burden under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq.,* and therefore is not subject to these requirements.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden or otherwise has a positive economic effect on the small entities subject to the rule. The small entities subject to the requirements of this action are refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in Louisiana and gasoline distributers and retail stations in Louisiana. This action relaxes the federal RVP standard for gasoline sold in the Louisiana parishes of Beauregard, Calcasieu, Jefferson, Lafayette, Lafourche, Orleans, Pointe Coupee, St. Bernard, St. Charles, St. James, and St. Mary during the summertime ozone season (June 1 to September 15 of each year) to allow the RVP for gasoline sold in the named parishes to rise from 7.8 psi to 9.0 psi. This rule does not impose any requirements or create impacts on small entities beyond those, if any, already required by or resulting from the CAA section 211(h) Volatility Control program. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

D. Unfunded Mandates Reform Act (UMRA)

This final rule does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action implements mandates specifically and explicitly set forth in CAA section 211(h) without the exercise of any policy discretion by EPA.

E. Executive Order 13132 (Federalism)

This action does not have federalism implications. It will 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.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This proposal affects only those refiners, importers or blenders of gasoline that choose to produce or import low RVP gasoline for sale in Louisiana and gasoline distributers and retail stations in Louisiana. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. EPA has no reason to believe that this action may disproportionately affect children based on available ozone air quality data and VOC and NO_X emissions information. EPA has preliminarily concluded that a relaxation of the gasoline RVP will not interfere with the attainment of the ozone NAAQS, or any other applicable CAA requirement in these 11 Louisiana parishes.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer Advancement Act

This action does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse human health or environmental effects on minority, low-income, or indigenous populations because it does not affect the applicable ozone NAAQS which establish the level of protection provided to human health or the environment. This rule would relax the applicable volatility standard of gasoline during the summer, though it is unlikely that the relaxation would cause a measurable increase in ozone concentrations and therefore it would not result in the named parishes exceeding either the original ozone standard that triggered the low RVP requirement or any subsequent ozone standard, including the most recent ozone standard promulgated in 2015 based upon EPA's previous experiences with ozone attainment areas that have relaxed fuel RVP requirements.

VI. Legal Authority

The statutory authority for this action is granted to EPA by sections 211(h) and 301(a) of the Clean Air Act, as amended; 42 U.S.C. 7545(h) and 7601(a).

List of Subjects in 40 CFR Part 80

Environmental protection, Administrative practice and procedures, Air pollution control, Fuel additives, Gasoline, Motor vehicle and motor vehicle engines, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: August 1, 2017.

E. Scott Pruitt,

Administrator.

[FR Doc. 2017–16691 Filed 8–8–17; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 82, No. 152
Wednesday, August 9, 2017

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

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Notice To Request an Extension for a Currently Approved Information Collection

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, this notice announces the intention of the Foreign Agricultural Service to request an extension for a currently approved information collection for the Pima Agricultural Cotton Trust Fund.

DATES: Comments on this notice must be received by October 10, 2017 to be assured of consideration.

ADDRESSES: We invite you to submit comments as requested in this document. In your comment, include the volume, date, and page number of this issue of the **Federal Register**. You may submit comments by any of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- Mail, hand delivery, or courier: Peter W. Burr, Branch Chief, Import Programs and Export Reporting Division, Foreign Agricultural Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Mail Stop 1021, Washington, DC 20250;
- Email: *pimawool@fas.usda.gov* ; or
- Telephone: (202) 720–3274

Comments will be available for inspection online at *http://www.regulations.gov* and at the mail address listed above between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

Persons with disabilities who require an alternative means for communication of information (*e.g.,* Braille, large print, audiotape, etc.) should contact USDA's Target Center at (202) 720–2600 (voice and TDD).

FOR FURTHER INFORMATION CONTACT: Peter W. Burr, 202–720–3274, *pimatwool@fas.usda.gov*.

SUPPLEMENTARY INFORMATION:

Title: Pima Agricultural Cotton Trust Fund.

OMB Control Number: 0551–0044.

Expiration Date of Approval: December 31, 2017.

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

Abstract: This information collection is required for affidavits submitted to FAS for claims against the Pima Agricultural Cotton Trust Fund. Claimants of the Pima Agricultural Cotton Trust Fund will be required to submit electronically a notarized affidavit to request a distribution from the Trust Fund to FAS and will be available on the FAS Web site under the Pima Agriculture Cotton Trust Fund program section.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 1 hour per response for affidavits related to the Pima Agricultural Cotton Trust Fund.

Respondents: Under the Pima Agricultural Cotton Trust Fund there are three groups of potential respondents, all of whom must meet the requirements of Section 12314 of Act (Pub. L. 113–79): (1) One or more nationally recognized associations established for the promotion of pima cotton for use in textile and apparel goods; (2) Certain yarn spinners of pima cotton that produced ring spun cotton yarns in the United States from pima cotton during the year for which the affidavit is filed and during calendar year 2013; (3) Manufacturers that certify that during the year for which the affidavit is filed and during calendar year 2013, used imported cotton fabric to cut and sew men's and boys' cotton shirts in the United States.

Estimated Number of Respondents: 7.

Estimated Number of Responses per Respondent: 1.

Estimated Number of Responses: 7.

Estimated Total Annual Burden on Respondents: 7 hours.

Request for Comments: We are requesting comments on all aspects of this information collection to help us to: (1) Evaluate whether the collection of information is necessary for the proper performance of FAS's functions, including whether the information will have practical utility; (2) Evaluate the accuracy of FAS's estimate of burden including the validity of the methodology and assumptions used; (3) Enhance the quality, utility and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Copies of this information collection can be obtained from Connie Ehrhart, the Agency Information Collection Coordinator, at (202) 690–1578 or email at *Connie.Ehrhart@fas.usda.gov*.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

E-Government Act Compliance

FAS is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Dated: August 1, 2017.

Holly Higgins,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 2017–16788 Filed 8–8–17; 8:45 am]

BILLING CODE 3410–10–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of commission business meeting.

DATES: Friday, August 18, 2017, at 10:00 a.m. EST.

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

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

SUPPLEMENTARY INFORMATION: This business meeting is open to the public. There will also be a call-in line for individuals who desire to listen to the presentations: (888) 329–8893; Conference ID 842–6586.

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

Meeting Agenda

I. Approval of Agenda
II. Business Meeting
A. Headquarters Reports and Program Planning
- Discussion and Vote on Discovery Plan, Outline, Timeline, and Briefing Date and Location for FY 2018 Statutory Enforcement Report on Voting Rights
- Discussion and Vote on Briefing Schedule for FY 2018 Projects (School Discipline and Hate Crimes)
- Discussion and Vote on LGBT Employment Discrimination Report

B. State Advisory Committees
- Vote on appointments to the Utah State Advisory Committee
- Vote on appointments to the Hawaii State Advisory Committee
- Vote on appointments to the Mississippi State Advisory Committee
- Vote on appointments to the Missouri State Advisory Committee

C. Management and Operations
- Staff Director's Report

D. Presentation by California Advisory Committee member Nancy Eisenhart on the Committee's recent report, Voting Integrity in California
E. Presentation by Wisconsin Advisory Committee Chair Naheed Bleecker on the Committee's recent report, Hate Crimes and Civil Rights in Wisconsin
F. [To begin at 11 a.m. EST] Presentation on History of Voting Rights
a. Alexander Keyssar, Matthew W. Stirling, Jr., Professor of History and Social Policy at the Harvard Kennedy School of Government
b. Mary Ellen Curtin, Associate Professor of History at American University
III. Adjourn Meeting.

Dated: August 7, 2017.

Brian Walch,

Director, Communications and Public Engagement.

[FR Doc. 2017–16917 Filed 8–7–17; 4:15 pm]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of National Advisory Council on Innovation and Entrepreneurship Meeting

AGENCY: Economic Development Administration, Commerce.

ACTION: Notice of an Open Meeting.

SUMMARY: The National Advisory Council on Innovation and Entrepreneurship (NACIE) will hold a public meeting on Thursday, August 24, 2017, from 1:00 p.m.–4:00 p.m. Eastern Time (ET) and Friday, August 25, 2017, from 9:00 a.m.–12:00 p.m. ET. During this time, members will hear from Federal innovation and entrepreneurship policymakers and program executives and discuss potential policies that would foster innovation, increase the rate of technology commercialization, and catalyze the creation of jobs in the United States. Topics to be covered include innovative manufacturing, rural growth through innovation and entrepreneurship, apprenticeships in entrepreneurship and high-growth technology sectors, and alignment of federal innovation and entrepreneurship policies and programs.

DATES:

Thursday, August 24, 2017
Time: 1:00 p.m.–4:00 p.m. ET
Friday, August 25, 2017
Time: 9:00 a.m.–12:00 p.m. ET

ADDRESSES: Herbert Clark Hoover Building (HCHB), 1401 Constitution Ave. NW., Washington, DC 20230, Room 72015. The entrance to HCHB is located on the west side of 14th St. NW. between D St. NW. and Constitution Ave. NW., and a valid government-issued ID is required to enter the building. Please note that pre-clearance is required in order to both attend the meeting in person and make a statement during the public comment portion of the meeting. Please limit comments to five minutes or less and submit a brief statement summarizing your comments to Craig Buerstatte (see contact information below) no later than 11:59 p.m. ET on Friday, August 18, 2017.

Teleconference

Teleconference and/or web conference connection information will be published prior to the meeting along with the agenda on the NACIE Web site at *https://www.eda.gov/oie/nacie/.*

FOR FURTHER INFORMATION, CONTACT: Craig Buerstatte, Office of Innovation and Entrepreneurship, Room 78018, 1401 Constitution Avenue NW., Washington, DC 20230; email: *nacie@doc.gov;* telephone: +1 202 482 8001; fax: +1 202 273 4781. Please reference ''NACIE August 2017 Meeting'' in the subject line of your correspondence.

SUPPLEMENTARY INFORMATION: NACIE, established by Section 25(c) of the Stevenson-Wydler Technology Innovation Act of 1980, as amended (15 U.S.C. 3720(c)), and managed by EDA's Office of Innovation and Entrepreneurship (OIE), is a Federal Advisory Committee Act (FACA) committee that provides advice directly to the Secretary of Commerce. NACIE's advice focuses on transformational policies and programs that aim to accelerate innovation and increase the rate at which research is translated into companies and jobs, including through entrepreneurship and the development of an increasingly skilled, globally competitive workforce. Comprised of successful entrepreneurs, innovators, angel investors, venture capitalists, and leaders from the nonprofit and academic sectors, NACIE has presented to the Secretary recommendations from throughout the research-to-jobs continuum regarding topics including improving access to capital, growing and connecting entrepreneurial ecosystems, increasing small business-driven research and development, and understanding the workforce of the future. In its advisory capacity, NACIE also serves as a vehicle for ongoing dialogue with the innovation, entrepreneurship, and workforce development communities.

The final agenda for the meeting will be posted on the NACIE Web site at *http://www.eda.gov/oie/nacie/* prior to the meeting. Any member of the public may submit pertinent questions and comments concerning the NACIE's affairs at any time before or after the meeting. Comments may be submitted to Craig Buerstatte (see contact information below). Those unable to attend the meetings in person but wishing to listen to the proceedings can do so using the teleconference set forth herein above. Copies of the meeting minutes will be available by request within 90 days of the meeting date.

Dated: August 3, 2017.

Craig Buerstatte,

Acting Director, Office of Innovation and Entrepreneurship.

[FR Doc. 2017–16725 Filed 8–8–17; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–50–2017]

Foreign-Trade Zone (FTZ) 98—Birmingham, Alabama; Notification of Proposed Production Activity; Brose North America Inc. (Automotive Seats, Drives and Door Frames); Vance, Alabama

Brose North America Inc. (Brose) submitted a notification of proposed production activity to the FTZ Board for its facility in Vance, Alabama within FTZ 98. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on August 2, 2017.

The applicant indicates that it will be submitting a separate application for FTZ designation at the Brose facility under FTZ 98. The facility is used for the production of seats, drives, and door frames for the automotive industry. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Brose from customs duty payments on the foreign-status components used in export production. On its domestic sales, for the foreign-status materials/components noted below, Brose would be able to choose the duty rates during customs entry procedures that apply to: Seat frames; seat adjusters for motor vehicles powered with electric DC motors; seat pans; cooling fans for automobiles; and, doors for automobiles (duty rate ranges from duty-free to 2.5%). Brose would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The components and materials sourced from abroad include: Plastic tubes and hoses; plastic tube protectors; decals; plastic spacers and other articles of plastic; rubber spacers; labels; steel self-tapping screws; screw and nut assemblies; steel locking lugnuts; steel torsion spring washers and lock washers; steel rivets; metal fasteners; steel cable drum wires; steel metal clips; locks; base metal mountings; steel brackets; metal mounting for seats; steel tubular rivets; steel bearing balls; plain shaft bearings with housings; gear boxes; gears and gearing; gearing housings; synchronous electric DC motors of an output under 18.65 watts; electric DC motors of an output not exceeding 37.5 watts; universal AC/DC motors of an output between 37.5 watts and 746 watts; DC motors of an output between 37.5 watts and 14.92 kilowatts; DC generators; multi-phase AC motors exceeding 74.6 watts but not exceeding 735 watts; electrical lighting or signaling equipment; electrical circuit switching and protection components; vehicle body stampings; lock rods; lock actuators; guide rails for door assemblies; measuring instruments; seat frames; seat pans; coated cross tubes; side panels; slider assemblies; and ink ribbons used for printers (duty rate ranges from duty-free to 8.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is September 18, 2017.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: August 3, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–16791 Filed 8–8–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–48–2017]

Foreign-Trade Zone (FTZ) 230—Piedmont Triad Area, North Carolina; Notification of Proposed Production Activity; Klaussner Home Furnishings (Upholstered Furniture); Asheboro and Candor, North Carolina

Klaussner Home Furnishings (Klaussner) submitted a notification of proposed production activity to the FTZ Board for its facilities in Asheboro and Candor, North Carolina within Subzone 230D. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on July 24, 2017.

Klaussner currently has authority to conduct cut-and-sew activity using certain foreign micro-denier suede upholstery fabrics to produce upholstered furniture and related parts (upholstery cover sets) on a restricted basis (see Board Order 1745 (76 FR 11426, March 2, 2011) and Doc. B–1–2016 (81 FR 37570, June 10, 2016)).

The current request would add foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt Klaussner from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below, Klaussner would be able to choose the duty rates during customs entry procedures that apply to: upholstered seats (duty-free). Klaussner would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: Spring actuators; motors exceeding 74.6 watts but not exceeding 735 watts; AC/DC adapters having a power handling capacity of 1 kVA; transformers; lithium battery packs; handsets with USB; and, cables (duty rate ranges from free to 4%). The request indicates that lithium battery packs will be admitted to the zone in privileged foreign status (19 CFR 146.41), thereby precluding inverted tariff benefits on such items.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is September 18, 2017.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at

Elizabeth.Whiteman@trade.gov or (202) 482–0473.

Dated: August 3, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–16794 Filed 8–8–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–51–2017 and B–52–2017]

Foreign-Trade Zone (FTZ) 196—Fort Worth, Texas; Foreign-Trade Zone (FTZ) 247—Erie, Pennsylvania; Notification of Proposed Production Activity; General Electric Transportation (Underground Mining Vehicles); Fort Worth and Haslet, Texas; Erie and Grove City, Pennsylvania

General Electric Transportation (GE Transportation) submitted a notification of proposed production activity to the FTZ Board for its facilities in Fort Worth and Haslet, Texas within Subzone 196B (Doc. B–51–2017) and Erie and Grove City, Pennsylvania, within Subzones 247A and 247B (Doc. B–52–2017). The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on July 19, 2017.

GE Transportation already has authority to produce locomotives, drill equipment, off-highway vehicle wheels, inverters and brake systems within the subzones, subject to restrictions on certain foreign-status components. The current request would add finished products and foreign-status materials/components to the scope of authority related to the production of underground mining vehicles. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt GE Transportation from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below and in the existing scope of authority, GE Transportation would be able to choose the duty rates during customs entry procedures that apply to: Underground mining vehicles & equipment; drive assemblies; chain and flight assemblies; yokes; retarder assemblies; torque shafts; drive shaft assemblies; reducers; reducer assemblies; and brakes (duty rate ranges from free to 5.5%). GE Transportation would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: Yoke seals; bladder tanks; air tanks; locknuts; steel thrust washers; retaining washers; pivot pins; distribution blocks; aluminum plates; accumulators; scroll motors; cylinders; flow dividers; pump pistons; filter elements; actuators; winch assemblies; cylinder buckets; canopy assemblies; bucket lift mounts; ejector blades; controller guards; take-up assemblies; slide bars; fenders; linkage assemblies; steel back plates; battery lifts; battery trays; boom hing pins; wheel covers; tread links; steel forks; axle assemblies; bucket blades; pedals; tread links; joysticks; yoke assemblies; yoke sections; steel spindles; accumulators; pressure reducing valves; spool assemblies; shuttle valves; solenoid valves; handle assemblies; bank valves; tapered cone bearings; driveshaft assemblies; carrier bearings; corner bearings; plain bearing assemblies; gearboxes; reducers; U-joint drive shafts; sprockets; lock plates; planet carriers; end yoke axles; end yokes; pump motors; drive assemblies; base plate assemblies; battery watering systems; oil tank heaters; fuse blocks; dual temperature switches; battery plugs; cable plugs; cable receptacles; connection boxes; controller panels; printed wire board assemblies; interface boxes; wedge locks; linear detectors; temperature sensors; hour meters; ground fault detectors; voltage regulators; and, digital drives (duty rate ranges from free to 8.6%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is September 18, 2017.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's Web site, which is accessible via *www.trade.gov/ftz.*

For further information, contact Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: August 3, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–16793 Filed 8–8–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–49–2017]

Foreign-Trade Zone 241—Fort Lauderdale, Florida; Application for Reorganization (Expansion of Service Area) and Expansion of Subzone 241A Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the City of Fort Lauderdale, grantee of Foreign-Trade Zone 241, requesting authority to reorganize the zone to expand its service area and to expand Subzone 241A on behalf of the Marine Industries Association of South Florida under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on August 2, 2017.

FTZ 241 was approved by the FTZ Board on April 6, 2000 (Board Order 1081, 65 FR 20948, April 19, 2000) and reorganized under the ASF on May 30, 2013 (Board Order 1898, 78 FR 27364, May 10, 2013). The zone currently has a service area that includes the City of Fort Lauderdale and a portion of Broward County, Florida.

The applicant is now requesting authority to expand the service area of the zone to include another portion of Broward County (known as the Dania Cut), as described in the application. If approved, the grantee would be able to serve sites throughout the expanded service area based on companies' needs for FTZ designation. The application indicates that the proposed expanded service area is adjacent to the Port Everglades Customs and Border Protection Port of Entry.

Subzone 241A was approved under the ASF on November 9, 2016 (S–158–2016, sunset 11/30/2019) and currently consists of the following sites in Fort

Lauderdale: Site 1 (29.57 acres)—Rahn Bahia Mar Marina, 801 Seabreeze Boulevard; Site 2 (7.88 acres)—Pier Sixty-Six Marina, 2301 SE. 17th Street; Site 3 (4.28 acres)—Hilton Fort Lauderdale Marina, 1881 SE. 17th Street; Site 4 (7.87 acres)—Roscioli Yachting Center, 3201 W. State Road 84; Site 5 (14.79 acres)—Bradford Marine, 3051 W. State Road 84; Site 6 (0.64 acres)—Ward's Marine Electric, 617 SW. 3rd Avenue; Site 7 (68.17 acres)—Lauderdale Marine Center, 2001 SW. 20th Street; Site 8 (0.71 acres)—Frank & Jimmie's Propeller, 280 SW. 6th Street; Site 9 (3.82 acres)—Yacht Management, 3001 W. State Road 84; Site 10 (1.35 acres)—National Marine Suppliers, 2800 SW. 2nd Avenue; Site 11 (2.18 acres)—D.S. Hull # 1, 311 SW. 24th Street; Site 12 (0.62 acres)—D.S. Hull # 2, 3355 SW. 2nd Avenue; and, Site 13 (2.37 acres)—Lauderdale Boat Yard (Naugle), 3100 W. State Road 84.

The applicant is also requesting authority to expand the subzone to include two additional sites under the ASF in the proposed expanded service area: Site 14 (10.30 acres)—760 Taylor Lane, 760 Taylor Lane, Dania Beach; and Site 15 (15.54 acres) Derecktor, 775 Taylor Lane, Dania Beach. A notification of proposed production activity has been submitted and will be published separately for public comment.

In accordance with the FTZ Board's regulations, Qahira El-Amin of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the FTZ Board.

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is October 10, 2017. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 23, 2017.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the ''Reading Room'' section of the FTZ Board's Web site, which is accessible via *www.trade.gov/ftz.* For further information, contact Qahira El-Amin at *Qahira.El-Amin@trade.gov* or (202) 482–5928.

Dated: August 3, 2017.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2017–16792 Filed 8–8–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–803]

Light-Walled Welded Rectangular Carbon Steel Tubing From Taiwan: Continuation of Antidumping Duty Order

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

SUMMARY: As a result of the determinations by the Department of Commerce (the Department) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on light-walled welded rectangular carbon steel tubing (steel tubing) from Taiwan would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, the Department is publishing a notice of continuation of the AD order.

DATES: Applicable August 9, 2017.

FOR FURTHER INFORMATION CONTACT: Catherine Cartsos or Minoo Hatten, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1757 and (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On March 27, 1989, the Department published the AD order on steel tubing from Taiwan.[1] On January 3, 2017, the Department published the notice of initiation of the fourth sunset review of the AD order on steel tubing [2] pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). On January 3, 2017, the ITC instituted its review of the AD order on steel tubing from Taiwan.[3]

As a result of this sunset review, the Department determined that revocation of the AD order on steel tubing from Taiwan would be likely to lead to continuation or recurrence of dumping and notified the ITC of the magnitude of the margins likely to prevail should the order be revoked.[4]

On July 28, 2017, pursuant to sections 751(c) and 752(a) of the Act, the ITC published notice of its determination that revocation of the AD order on steel tubing from Taiwan would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

Scope of the Order

The product covered by the order is light-walled welded carbon steel pipe and tube of rectangular (including square) cross-section having a wall thickness of less than 0.156 inch. This merchandise is classified under item number 7306.61.5000 of the Harmonized Tariff Schedule (HTS). It was formerly classified under item number 7306.60.5000. The HTS numbers are provided for convenience and customs purposes only. The written product description remains dispositive.

Continuation of the Order

As a result of the determinations by the Department and the ITC that revocation of the AD order would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the AD order on steel tubing from Taiwan.

U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of this order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year sunset review and this notice are in accordance with section 751(c) of the Act and published

[1] *Antidumping Duty Order; Light-Walled Welded Rectangular Carbon Steel Tubing from Taiwan,* 54 FR 12467 (March 27, 1989).

[2] *See Initiation of Five-Year (''Sunset'') Reviews,* 82 FR 84 (January 3, 2017) (*Initiation*).

[3] *See Light-Walled Rectangular Pipe and Tube from Taiwan Institution of a Five Year Review,* 82 FR 137 (January 3, 2017).

[4] *See Light-Walled Welded Rectangular Carbon Steel Tubing from Taiwan: Final Results of the Expedited Fourth Sunset Review of the Antidumping Duty Order,* 82 FR 21512 (May 9, 2017).

[5] *See Light-Walled Rectangular Pipe and Tube from Taiwan; Determination* 82 FR 35238 (July 28, 2017), and ITC Publication titled *Light-Walled Rectangular Pipe and Tube from Taiwan: Investigation No.* 731–TA–410 (*Fourth Review*) (July 2017).

pursuant to section 777(i)(1) of the Act, and 19 CFR 351.218(f)(4).

Dated: August 3, 2017.

Carole Showers,

Executive Director, Office of Policy performing the duties of Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–16772 Filed 8–8–17; 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: Continuation of Antidumping Duty Order

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

SUMMARY: As a result of determinations by the Department of Commerce (Department) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on furfuryl alcohol from the People's Republic of China (PRC) would likely lead to a continuation or recurrence of dumping, and that revocation of the AD order would likely lead to material injury to an industry in the United States, the Department is publishing this notice of continuation of the AD order on furfuryl alcohol from the PRC.

DATES: Applicable August 9, 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: On January 3, 2017, the Department published the notice of initiation of the fourth sunset review of the AD *Order*[1] on furfuryl alcohol from the PRC pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] As a result of its review, on May 1, 2017, the Department determined that revocation of the AD order on furfuryl alcohol from the PRC would be likely to lead to a continuation or recurrence of dumping, and, therefore, notified the ITC of the magnitude of the margins likely to prevail should the order be revoked.[3]

On July 28, 2017, the ITC determined, pursuant to section 751(c) of the Act, that revocation of the existing AD order on furfuryl alcohol from the PRC would be likely to lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[4]

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.

Continuation of the Order

As a result of the determinations by the Department and the ITC that revocation of the AD order on furfuryl alcohol from the PRC would be likely to lead to a continuation or recurrence of dumping, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the AD order on furfuryl alcohol from the PRC. U.S. Customs and Border Protection will continue to collect cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, the Department intends to initiate the next five-year review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year (sunset) review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act.

Dated: August 3, 2017.

Carole Showers,

Executive Director, Office of Policy performing the duties of Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–16769 Filed 8–8–17; 8:45 am]

BILLING CODE 3510–DS–P

[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 Furfuryl Alcohol from the People's Republic of China: Final Results of Expedited Fourth Sunset Review of Antidumping Duty Order,* 82 FR 36154 (August 3, 2017).

[4] *See Furfuryl Alcohol from China,* USITC Inv. No. 731–TA–703 (July 28, 2017).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–918]

Steel Wire Garment Hangers From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016

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

SUMMARY: The Department of Commerce (Department) is conducting the eighth administrative review of the antidumping duty order on steel wire garment hangers from the People's Republic of China (PRC). The respondents in this review are Hangzhou Yingqing Material Co. Ltd. and Hangzhou Qingqing Mechanical Co. Ltd. (collectively, Yingqing) and Shanghai Wells Hanger Co., Ltd./Hong Kong Wells Ltd. (collectively, Shanghai Wells). The Department preliminarily finds that Shanghai Wells sold subject merchandise in the United States at prices below normal value during the period of review (POR), October 1, 2015, through September 30, 2016. In addition, we preliminarily determine Yingqing is not eligible for a separate rate, and therefore, we are treating it as part of the PRC-wide entity. If these preliminary results are adopted in our final results of review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of subject merchandise during the POR. We invite interested parties to comment on these preliminary results.

DATES: Applicable August 9, 2017.

FOR FURTHER INFORMATION CONTACT: Jessica Weeks, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4877.

SUPPLEMENTARY INFORMATION:

Background

On October 3, 2016, the Department published a notice of ''Opportunity to Request Administrative Review'' of the antidumping order on steel wire garment hangers from the PRC.[1] In October 2016, the Department received two timely requests to conduct an administrative review of the antidumping duty order on steel wire

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 81 FR 67968 (October 3, 2016).

garment hangers from the PRC.[2] Based upon these requests, on December 16, 2016, the Department published a notice of initiation of an administrative review (AR) of the *Order* covering the period October 1, 2015, to September 30, 2016.[3] The Department initiated the administrative review with respect to 46 companies.[4] On December 22, 2016, M&B Metal Products Co., Inc. (the petitioner) withdrew its request for an administrative review on 42 companies.[5] On December 29, 2016, the Department issued a memo stating it would issue questionnaires to Yingqing[6] and Shanghai Wells.[7]

Scope of the Order

The merchandise subject to the *Order* is steel wire garment hangers. The products are currently classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7326.20.0020, 7323.99.9060, and 7323.99.9080. Although the HTSUS subheadings are provided for convenience and customs purposes, the written product description of the scope of the order remains dispositive.[8]

Separate Rates

The Department preliminarily determines that information placed on the record by Shanghai Wells demonstrates that this entity is entitled to separate rate status.[9] For additional information, *see* the Preliminary Decision Memorandum.

PRC-Wide Entity

Section 776(a)(2) of Tariff Act of 1930, as amended (the Act) provides that if an interested party withholds information requested by the Department, fails to provide information by the deadline or in the form or manner requested, or significantly impedes a proceeding, the Department shall use, subject to section 782(d) of the Act, facts otherwise available in reaching the applicable determination. Moreover, section 776(b) of the Act provides that the Department may use an adverse inference when applying facts otherwise available if the party failed to cooperate by not acting to the best of its ability to comply with a request for information. Yingqing failed to submit a response to the Department's questionnaire and, therefore, did not act to the best of its ability to comply with the Department's request for information.[10] Therefore, as adverse facts available, Yingqing is not eligible for a separate rate and is a part of the PRC-wide entity. The dumping margin in effect for the PRC-wide entity is 187.25 percent, which is the highest dumping margin on the record of any segment of the proceeding.[11]

The Department's policy regarding conditional review of the PRC-wide entity applies to this administrative review.[12] Under this policy, the PRC-wide entity will not be under review unless a party specifically requests, or the Department self-initiates, a review of the entity. Because no party requested a review of the PRC-wide entity in this review, the entity is not under review and the entity's rate is not subject to change, (*i.e.,* 187.25 percent).[13]

Methodology

The Department is conducting this review in accordance with section 751(a)(1)(B) of the Act. The Department calculated constructed export prices and export prices in accordance with section 772 of the Act. Because the PRC is a nonmarket economy (NME) within the meaning of section 771(18) of the Act, normal value is calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. A list of the topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum is available at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margin exists for the POR from October 1, 2015, through September 30, 2016:

Exporter	Weighted-average dumping margin (percent)
Shanghai Wells Hanger Co., Ltd./Hong Kong Wells Ltd.[14] ...	5.02

[2] *See Notice of Antidumping Duty Order: Steel Wire Garment Hangers from the People's Republic of China,* 73 FR 58111 (October 6, 2008) (*Order*).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 81 FR 9112 (December 16, 2016).

[4] *Id.*

[5] *See* Letter to the Secretary of Commerce from the Petitioner ''Eighth Administrative Review of Steel Wire Garment Hangers from China—Petitioner's Withdrawal of Review Request'' (December 22, 2016).

[6] Hangzhou Yingqing Material Co., Ltd. and Hangzhou Qingqing Mechanical Co., Ltd. are currently assigned an exporter/manufacturer combination rate. *See Steel Wire Garment Hangers from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and New Shipper Review, 2011–2012,* 79 FR 31298, 31300 (June 2, 2014).

[7] In the first administrative review of the *Order,* the Department found that Shanghai Wells Hanger Co., Ltd. and Hong Kong Wells Ltd. are a single entity and, because there were no changes to the facts that supported that decision since that determination was made, we continue to find that these companies are part of a single entity for this administrative review. *See Steel Wire Garment Hangers from the People's Republic of China: Preliminary Results and Preliminary Rescission, in Part, of the First Antidumping Duty Administrative Review,* 75 FR 68758, 68761 (November 9, 2010), unchanged in *First Administrative Review of Steel Wire Garment Hangers from the People's Republic of China: Final Results and Final Partial Rescission of Antidumping Duty Administrative Review,* 76 FR 27994, 27996 (May 13, 2011); *see also Steel Wire Garment Hangers from the People's Republic of China: Final Results of Antidumping Duty Administrative Review,* 2013–2014, 80 FR 69942 (November 2, 2015).

[8] *See* Memorandum regarding ''Decision Memorandum for the Preliminary Results of the Antidumping Duty Administrative Review of Steel Wire Garment Hangers from the People's Republic of China; 2015–2016,'' dated concurrently with and hereby adopted by this notice, (Preliminary Decision Memorandum) for a complete description of the scope of the *Order.*

[9] *See* Shanghai Wells' Section A questionnaire response, dated January 26, 2017 at pages 1–9.

[10] *See* Memorandum to the file, ''Eighth Administrative Review of Steel Wire Garment Hangers from the People's Republic of China: Hangzhou Yingqing Material Co. Ltd. FedEx Delivery,'' (January 27, 2017).

[11] *See Steel Wire Garment Hangers from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value,* 73 FR 53188, (September 15, 2008), and accompanying Issues and Decision Memorandum*; see also Steel Wire Garment Hangers from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 2012–2013,* 80 FR 13332, (March 13, 2015), and accompanying Issues and Decision Memorandum.

[12] *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).

[13] *See Steel Wire Garment Hangers from the People's Republic of China: Final Results of Antidumping Duty Administrative Review, 2012–2013,* 80 FR 13332, (March 13, 2015), and accompanying Issues and Decision Memorandum; see also Preliminary Decision Memorandum.

[14] As previously stated, we continue to find Shanghai Wells Hanger Co., Ltd. and Hong Kong Wells Ltd. (collectively Shanghai Wells) to be a single entity.

Disclosure and Public Comment

The Department intends to disclose the calculations used in our analysis to parties in this review within five days of the date of any public announcement of this notice in accordance with 19 CFR 351.224(b).

Interested parties may submit case briefs within 30 days after the date of publication of these preliminary results of review in the **Federal Register**.[15] Rebuttals to case briefs, which must be limited to issues raised in the case briefs, must be filed within five days after the time limit for filing case briefs.[16] Parties who submit arguments are requested to submit with the argument: (a) A statement of the issue (b) a brief summary of the argument, and (c) a table of authorities.[17] Parties submitting briefs should do so pursuant to the Department's electronic filing system, ACCESS.[18]

Any interested party may request a hearing within 30 days of publication of this notice.[19] Hearing requests should contain the following information: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs.[20] Parties requesting a hearing should do so pursuant to the Department's electronic filing system, ACCESS.[21] If a party requests a hearing, the Department will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[22]

Unless otherwise extended, the Department intends to issue the final results of this administrative review, which will include the results of our analysis of all issues raised in parties' case briefs, within 120 days of publication of these preliminary results in the **Federal Register,** pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon issuance of the final results, pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review. The Department intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review.

For any individually examined respondent whose weighted-average dumping margin is above the *de minimis* threshold (*i.e.,* 0.50 percent), the Department will calculate importer-specific *ad valorem* assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of sales. Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific *ad valorem* assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

In these preliminary results, the Department applied the assessment rate calculation method adopted in *Final Modification for Reviews, i.e.,* on the basis of monthly average-to-average comparisons using only the transactions associated with that importer with offsets being provided for non-dumped comparisons.[23]

Pursuant to a refinement in the Department's NME practice, for sales that were not reported in the U.S. sales data submitted by companies individually examined during this review, the Department will instruct CBP to liquidate entries associated with those sales at the rate for the PRC-wide entity. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's cash deposit rate) will be liquidated at the rate for the PRC-wide entity.[24]

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For the company listed above, the cash deposit rate will be established in the final results of this review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that have separate rates, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding in which they were reviewed; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be equal to the weighted-average dumping margin for the PRC-wide entity (*i.e.,* 187.25 percent); and (4) for all non-PRC exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the PRC exporter(s) that supplied that non-PRC exporter. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

This administrative review and notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4) and 19 CFR 351.213.

Dated: August 2, 2017.

Carole Showers,

Executive Director, Office of Policy, Performing the Duties of Deputy Assistant Secretary for Enforcement and Compliance.

Attachment

List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Scope of the Order
4. Discussion of the Methodology
   a. NME Country Status
   b. Separate Rates
   c. Separate Rates Recipients—Wholly Foreign Owned
   d. Surrogate Country and Surrogate Value Data
   e. Surrogate Country
   f. Date of Sale

[15] *See* 19 CFR 351.309(c)(1)(ii).

[16] *See* 19 CFR 351.309(d)(1)–(2).

[17] *See* 19 CFR 351.309(c)(2) and (d)(2).

[18] *See* 19 CFR 351.303 (for general filing requirements).

[19] *See* 19 CFR 351.310(c).

[20] *Id.*

[21] *See* 19 CFR 351.303 (for general filing requirements).

[22] *See* 19 CFR 351.310(d).

[23] *See Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101, 8103 (February 14, 2012) (*Final Modification for Reviews*).

[24] For a full discussion of this practice, *see Assessment Practice Refinement,* 76 FR at 65694 (October 24, 2011).

g. Comparisons to Normal Value
h. Results of Differential Pricing Analysis
i. U.S. Price
j. Value-Added Tax
k. Normal Value
l. Factor Valuation Methodology
m. Currency Conversion
5. Conclusion

[FR Doc. 2017–16687 Filed 8–8–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–823–805]

Silicomanganese From Ukraine: Final Results of Antidumping Duty Administrative Review; 2015–2016

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

SUMMARY: On May 9, 2017, the Department of Commerce (the Department) published the preliminary results of the administrative review of the antidumping duty order on silicomanganese from Ukraine. The period of review (POR) is August 1, 2015, through July 31, 2016. For the final results of this review, we continue to find, based on the application of adverse facts available, that subject merchandise has been sold in the United States at prices below normal value during the POR.

DATES: Applicable August 9, 2017.

FOR FURTHER INFORMATION CONTACT: Dmitry Vladimirov, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0665.

SUPPLEMENTARY INFORMATION:

Background

On May 9, 2017, the Department published the *Preliminary Results* of the administrative review of the antidumping duty order on silicomanganese from Ukraine.[1] The administrative review covers two exporters of the subject merchandise, PJSC Zaporozhye Ferroalloy Plant (ZFP), and PJSC Nikopol Ferroalloy Plant (NFP). The Department gave interested parties an opportunity to comment on the *Preliminary Results.* We received no comments.

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise covered by the antidumping duty order is silicomanganese. Silicomanganese, which is sometimes called ferrosilicon manganese, is a ferroalloy composed principally of manganese, silicon, and iron, and normally containing much smaller proportions of minor elements, such as carbon, phosphorous, and sulfur. Silicomanganese generally contains by weight not less than four percent iron, more than 30 percent manganese, more than eight percent silicon, and not more than three percent phosphorous. All compositions, forms and sizes of silicomanganese are included within the scope of this order, including silicomanganese slag, fines, and briquettes. Silicomanganese is used primarily in steel production as a source of both silicon and manganese. This order covers all silicomanganese, regardless of its tariff classification. Most silicomanganese is currently classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Some silicomanganese may also currently be classifiable under HTSUS subheading 7202.99.8040. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Adverse Facts Available

We continue to find that the application of adverse facts available (AFA) to the mandatory respondents, ZPF and NFP, is warranted in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308, because these companies failed to provide requested information, as detailed in the Preliminary Decision Memorandum [2] accompanying the *Preliminary Results.*

Final Results of the Administrative Review

We determine that the following weighted-average dumping margins exist for the respondents for the period of August 1, 2015, through July 31, 2016:

Exporter/producer	Weighted-average dumping margin (percent)
PJSC Zaporozhye Ferroalloy Plant	163.00
PJSC Nikopol Ferroalloy Plant	163.00

Assessment

In accordance with 19 CFR 351.212, the Department will instruct U.S. Customs and Border Protection (CBP) to liquidate all entries of subject merchandise exported by ZFP and NFP during the POR at an *ad valorem* rate of 163.00 percent. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rates for subject merchandise exported by ZFP and NFP will be 163.00 percent, equal to the weighted-average dumping margins established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 163.00 percent, the all-others rate established in the investigation.[3]

[1] *See Silicomanganese From Ukraine: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016,* 82 FR 21521 (May 9, 2017) (*Preliminary Results*).

[2] *See* Memorandum, ''Decision Memorandum for the Preliminary Results in the Administrative Review of the Antidumping Duty Order on Silicomanganese from Ukraine; 2015–2016,'' dated May 3, 2017 (Preliminary Decision Memorandum).

[3] *See Suspension Agreement on Silicomanganese From Ukraine; Termination of Suspension Agreement and Notice of Antidumping Duty Order,* 66 FR 43838 (August 21, 2001) (clarifying that the ''Ukraine-Wide Rate'' of 163 percent applies to all producers and exporters of subject silicomanganese not specifically listed in *Notice of Final Determination of Sales at Less Than Fair Value:*

Continued

These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written 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 subject to sanction.

We are issuing and publishing these results of administrative review in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(5).

Dated: August 3, 2017.

Carole Showers,

Executive Director, Office of Policy, performing the duties of Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–16790 Filed 8–8–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF517

Pacific Island Fisheries; Marine Conservation Plan for the Pacific Insular Area for the Northern Mariana Islands; Western Pacific Sustainable Fisheries Fund

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

ACTION: Notice of agency decision.

SUMMARY: NMFS announces approval of a Marine Conservation Plan (MCP) for the Northern Mariana Islands.

DATES: This agency decision is valid from August 4, 2017, through August 3, 2020.

ADDRESSES: You may obtain a copy of the MCP, identified by NOAA–NMFS–2017–0076, from the Federal e-Rulemaking Portal, *http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0076,* or from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808–522–8220, *www.wpcouncil.org.*

FOR FURTHER INFORMATION CONTACT: Melanie Brown, Sustainable Fisheries, NMFS Pacific Islands Regional Office, 808–725–5171.

SUPPLEMENTARY INFORMATION: Section 204(e) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the Secretary of State, with the concurrence of the Secretary of Commerce (Secretary), and in consultation with the Council, to negotiate and enter into a Pacific Insular Area fishery agreement (PIAFA). A PIAFA would allow foreign fishing within the U.S. Exclusive Economic Zone (EEZ) adjacent to American Samoa, Guam, or the Northern Mariana Islands. The Governor of the Pacific Insular Area to which the PIAFA applies must request the PIAFA. The Secretary of State may negotiate and enter the PIAFA after consultation with, and concurrence of, the applicable Governor.

Before entering into a PIAFA, the applicable Governor, with concurrence of the Council, must develop and submit to the Secretary a 3-year MCP providing details on uses for any funds collected by the Secretary under the PIAFA. NMFS is the designee of the Secretary for MCP review and approval. The Magnuson-Stevens Act requires payments received under a PIAFA to be deposited into the United States Treasury and then conveyed to the Treasury of the Pacific Insular Area for which funds were collected.

In the case of violations by foreign fishing vessels in the EEZ around any Pacific Insular Area, amounts received by the Secretary attributable to fines and penalties imposed under the Magnuson-Stevens Act, including sums collected from the forfeiture and disposition or sale of property seized subject to its authority, shall be deposited into the Treasury of the Pacific Insular Area adjacent to the EEZ in which the violation occurred, after direct costs of the enforcement action are subtracted. The Pacific Insular Area government may use funds deposited into the Treasury of the Pacific Insular Area for fisheries enforcement and for implementation of an MCP.

Federal regulations at 50 CFR 665.819 authorize NMFS to specify catch limits for longline-caught bigeye tuna for U.S. territories. NMFS may also authorize each territory to allocate a portion of that limit to U.S. longline fishing vessels that are permitted to fish under the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific (FEP). Payments collected under specified fishing agreements are deposited into the Western Pacific Sustainable Fisheries Fund, and any funds attributable to a particular territory may be used only for implementation of that territory's MCP.

An MCP must be consistent with the Council's FEPs, must identify conservation and management objectives (including criteria for determining when such objectives have been met), and must prioritize planned marine conservation projects.

The Council reviewed and concurred with the Northern Marian Islands MCP in June 2017. On July 6, 2017, the Governor of the Commonwealth of the Northern Mariana Islands submitted the Northern Mariana Islands MCP to NMFS for review and approval. The following describes the objectives of the MCP. Please refer to the MCP for planned projects and activities designed to meet each objective, the evaluative criteria, and priority rankings. The MCP contains seven conservation and management objectives, listed below.

1. Improve fisheries data collection and reporting.

2. Conduct resource assessment, monitoring, and research to gain a better understanding of marine resources and fisheries.

3. Conduct enforcement training and monitoring activities to promote compliance with federal and local mandates.

4. Promote responsible domestic fisheries development to provide long-term economic growth, stability, and local food production.

5. Conduct education and outreach, enhance public participation, and build local capacity.

6. Promote an ecosystem approach to fisheries management, climate change adaptation and mitigation, and regional cooperation.

7. Recognize the importance of island cultures and traditional fishing practices in managing fishery resources, and foster opportunities for participation.

Silicomanganese From Ukraine, 59 FR 62711 (December 6, 1994) (where an AFA rate of 163 percent was applied to ZFP and NFP, the mandatory respondents in the original investigation).

This notice announces that NMFS has reviewed the MCP, and has determined that it satisfies the requirements of the Magnuson-Stevens Act. Accordingly, NMFS has approved the MCP for the 3-year period from August 4, 2017, through August 3, 2020. This MCP supersedes the MCP previously approved for the period August 4, 2014, through August 3, 2017 (79 FR 43399, July 25, 2014).

Dated: August 4, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–16797 Filed 8–8–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Acquisition University Board of Visitors; Notice of Federal Advisory Committee Meeting

AGENCY: Under Secretary of Defense for Acquisition Technology and Logistics, Department of Defense.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Acquisition University Board of Visitors will take place.

DATES: Open to the public Wednesday, September 13, 2017 from 9:00 a.m. to 4:00 p.m.

ADDRESSES: The address of the open meeting is: Defense Acquisition University, 9820 Belvoir Road, Building 202, Command Conference Center, Fort Belvoir, VA 22060.

FOR FURTHER INFORMATION CONTACT: Christen Goulding, (703) 805–5412 (Voice), (703) 805–5909 (Facsimile), christen.goulding@dau.mil (Email). Mailing address is Protocol Director, DAU, 9820 Belvoir Rd, Fort Belvoir, VA 22060. Web site: *https://www.dau.mil/about/p/Board-of-Visitors.* The most up-to-date changes to the meeting agenda can be found on the Web site.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.140 and 102–3.150.

Purpose of the Meeting: The purpose of this meeting is to discuss and report back on items of ongoing interest to the USD(AT&L).

Agenda: 9:00 a.m. Executive Session/Board Discussion. 10:00 a.m. DAU Update. 11:30 a.m. Lunch. 12:30 p.m. Learning Management System Presentation. 2:00 p.m. Requirements Training Overview. 3:30 p.m. Summary Discussion. 4:00 p.m. Adjourn.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. However, because of space limitations, allocation of seating will be made on a first-come, first served basis. Persons desiring to attend the meeting should call Ms. Caren Hergenroeder at 703–805–5134. Written Statements: Pursuant to 41 CFR 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Defense Acquisition University Board of Visitors about its mission and functions. Written statements may be submitted at any time or in response to the stated agenda of a planned meeting of the Defense Acquisition University Board of Visitors. All written statements shall be submitted to the Designated Federal Officer for the Defense Acquisition University Board of Visitors, and this individual will ensure that the written statements are provided to the membership for their consideration. Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at least five calendar days prior to the meeting which is the subject of this notice. Written statements received after this date may not be provided to or considered by the Defense Acquisition University Board of Visitors until its next meeting. Committee's Designated Federal Officer or Point of Contact: Ms. Christen Goulding, 703–805–5412, *christen.goulding@dau.mil.*

Dated: August 4, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–16787 Filed 8–8–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2017–OS–0037]

Notice of Availability of an Environmental Assessment Addressing Divestment of Military Family Housing at Defense Distribution Center, Susquehanna

AGENCY: Defense Logistics Agency (DLA), Department of Defense.

ACTION: Notice of availability (NOA).

SUMMARY: DLA announces the availability of an Environmental Assessment (EA) documenting the potential environmental effects associated with the Proposed Action to divest all military family housing operations at Defense Distribution Center, Susquehanna. The EA has been prepared as required under the National Environmental Policy Act (NEPA) (1969). In addition, the EA complies with DLA Regulation 1000.22. DLA has determined that the Proposed Action would not have a significant impact on the human environment within the context of NEPA. Therefore, the preparation of an environmental impact statement is not required.

DATES: The public comment period will end on September 8, 2017.

ADDRESSES: You may submit comments, identified by DOD–2017–OS–0037, to one of the following:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, Regulatory and Advisory Committee Division, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

FOR FURTHER INFORMATION CONTACT: Ira Silverberg at 703–767–0705 during normal business hours Monday through Friday, from 8:00 a.m. to 4:30 p.m. (EDT) or by email: *ira.silverberg@dla.mil.*

SUPPLEMENTARY INFORMATION: Comments received by the end of the 30-day period will be considered when preparing the final version of the document. The Draft EA is available electronically at the Federal eRulemaking Portal at *http://www.regulations.gov,* and in hardcopy at the New Cumberland Library, 1 Benjamin Plaza, New Cumberland, PA 17070; the Red Land Community Library, 48 Robin Hood Drive, Etters, PA 17319; the Fairview Township Municipal Building, 599 Lewisberry

Road, New Cumberland, PA 17070; and the installation housing office.

Dated: August 4, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–16798 Filed 8–8–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Effectiveness of Exempt Wholesale Generator Status

	Docket Nos.
CPV Fairview, LLC	EG17–103–000
Sunray Energy 2 LLC	EG17–104–000
Sunray Energy 3 LLC	EG17–105–000
Rock Creek Wind Project, LLC	EG17–106–000
Clenera, LLC	EG17–107–000
Carroll County Energy LLC	EG17–108–000
Rock Falls Wind Farm LLC	EG17–109–000
Hog Creek Wind Project, LLC	EG17–110–000
Mineral Point Energy LLC	EG17–111–000
Wrighter Energy LLC	EG17–112–000
Algonquin Power Sanger LLC	EG17–113–000
Hattieburg Farm, LLC	EG17–114–000
Vale S.A	FC17–1–000

Take notice that during the month of July 2017, the status of the above-captioned entities as Exempt Wholesale Generators or Foreign Utility Companies became effective by operation of the Commission's regulations. 18 CFR 366.7(a) (2016)

Dated: August 3, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–16762 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF17–3–000]

Bonneville Power Administration; Notice of Filing

Take notice that on July 31, 2017, Bonneville Power Administration submitted tariff filing per: BP–18 Transmission Rates to be effective 10/1/2017.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 30, 2017.

Dated: August 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–16754 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EF17–2–000]

Bonneville Power Administration; Notice of Filing

Take notice that on July 31, 2017, Bonneville Power Administration submitted tariff filing per: BP–18 Power Rates Parts 1–3 to be effective 10/1/2017.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 30, 2017.

Dated: August 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–16753 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–147–000.

Applicants: SunE Beacon Site 2 LLC, SunE Beacon Site 5 LLC.

Description: Application for Authorization under Section 203 of the Federal Power Act and Requests for Confidential Treatment, Expedited Consideration, and Waivers of SunE Beacon Site 2 LLC, et. al.

Filed Date: 8/1/17.

Accession Number: 20170801–5262.

Comments Due: 5 p.m. ET 8/22/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–2265–013; ER10–1581–019; ER10–2262–007; ER10–2346–009; ER10–2353–009; ER10–2355–009; ER10–2783–014; ER10–2784–014; ER10–2795–014; ER10–2798–014; ER10–2799–014;

ER10–2801–014; ER10–2875–014; ER10–2878–014; ER10–2879–014; ER10–2880–014; ER10–2896–014; ER10–2913–014; ER10–2947–014; ER10–2969–014; ER10–3223–008; ER11–2062–022; ER11–2107–013; ER11–2108–013; ER11–2508–021; ER11–2805–021; ER11–2863–011; ER11–4307–022; ER11–4308–022; ER11–4351–009; ER12–261–021; ER13–1745–009; ER13–1788–009; ER13–1789–009; ER13–1801–009; ER13–1802–009; ER13–1965–012; ER14–1818–013; ER16–10 002.

Applicants: NRG Power Marketing LLC, Arthur Kill Power LLC, Astoria Gas Turbine Power LLC, Boston Energy Trading and Marketing LLC, Conemaugh Power LLC, Connecticut Jet Power LLC, Devon Power LLC, Dunkirk Power LLC, El Segundo Power, LLC, Energy Plus Holdings LLC, Forward WindPower LLC, GenOn Energy Management, LLC, GenOn Mid-Atlantic, LLC, Green Mountain Energy Company, Independence Energy Group LLC, Indian River Power LLC, Keystone Power LLC, Lookout Windpower, LLC, Middletown Power LLC, Midwest Generation, LLC, Montville Power LLC, NEO Freehold-Gen LLC, North Community Turbines LLC, North Wind Turbines LLC, NRG Bowline LLC, NRG Canal LLC, NRG Chalk Point CT LLC, NRG Chalk Point LLC, NRG Energy Center Dover LLC, NRG Energy Center Paxton LLC, NRG Power Midwest LP, NRG REMA LLC, NRG Wholesale Generation LP, Oswego Harbor Power LLC, Pinnacle Wind, LLC, Reliant Energy Northeast LLC, RRI Energy Services, LLC, Vienna Power LLC, Long Beach Peakers LLC.

Description: Supplement to June 28, 2017 Updated Market Power Analysis of the NRG Northeast MBR Sellers.

Filed Date: 8/1/17.

Accession Number: 20170801–5273.

Comments Due: 5 p.m. ET 8/22/17.

Docket Numbers: ER17–2218–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revisions to PJM–MISO JOA re: Implementation/Operation of Pseudo-Ties to be effective 10/1/2017.

Filed Date: 8/1/17.

Accession Number: 20170801–5217.

Comments Due: 5 p.m. ET 8/22/17.

Docket Numbers: ER17–2219–000.

Applicants: System Energy Resources, Inc.

Description: Baseline eTariff Filing: UPSA Amendment to be effective 10/1/2017.

Filed Date: 8/1/17.

Accession Number: 20170801–5224.

Comments Due: 5 p.m. ET 8/22/17.

Docket Numbers: ER17–2220–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–08–01_MISO–PJM JOA revisions to improve administration of pseudo-ties to be effective 10/1/2017.

Filed Date: 8/1/17.

Accession Number: 20170801–5239.

Comments Due: 5 p.m. ET 8/22/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 2, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–16757 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC17–148–000.

Applicants: Great Bay Solar I, LLC, Great Bay Solar I Holdings, LLC, GB Solar Holdings, LLC.

Description: Application for Authorization under Section 203 of the Federal Power Act the Disposition of Jurisdictional Facilities, Request for Expedited Consideration and Confidential Treatment of Great Bay Solar I, LLC, et al.

Filed Date: 8/3/17.

Accession Number: 20170803–5126.

Comments Due: 5 p.m. ET 8/24/17.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG17–136–000.

Applicants: Moffett Solar 1, LLC.

Description: Self-Certification as Exempt Wholesale Generator of Moffett Solar 1, LLC.

Filed Date: 8/3/17.

Accession Number: 20170803–5088.

Comments Due: 5 p.m. ET 8/24/17.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–2232–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Revisions to OATT Part IV re: Alternate Queue to be effective 10/1/2017.

Filed Date: 8/2/17.

Accession Number: 20170802–5171.

Comments Due: 5 p.m. ET 8/23/17.

Docket Numbers: ER17–2233–000.

Applicants: The Dayton Power and Light Company.

Description: § 205(d) Rate Filing: DP&L Reactive Power Tariff Filing to be effective 10/1/2017.

Filed Date: 8/3/17.

Accession Number: 20170803–5075.

Comments Due: 5 p.m. ET 8/24/17.

Docket Numbers: ER17–2234–000.

Applicants: Delmarva Power & Light Company.

Description: § 205(d) Rate Filing: Construction Agreements Filing to be effective 10/3/2017.

Filed Date: 8/3/17.

Accession Number: 20170803–5078.

Comments Due: 5 p.m. ET 8/24/17.

Docket Numbers: ER17–2235–000.

Applicants: Atlantic City Electric Company.

Description: Baseline eTariff Filing: Construction Agreement Filing to be effective 10/3/2017.

Filed Date: 8/3/17.

Accession Number: 20170803–5080.

Comments Due: 5 p.m. ET 8/24/17.

Docket Numbers: ER17–2236–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–08–03_Coordinated Transaction Scheduling True-up Filing to be effective 10/3/2017.

Filed Date: 8/3/17.

Accession Number: 20170803–5104.

Comments Due: 5 p.m. ET 8/24/17.

Docket Numbers: ER17–2237–000.

Applicants: California Independent System Operator Corporation.

Description: § 205(d) Rate Filing: 2017–08–03 Black Start Phase 2 Amendment to be effective 11/1/2017.

Filed Date: 8/3/17.

Accession Number: 20170803–5133.

Comments Due: 5 p.m. ET 8/24/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 3, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–16759 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of the New York Independent System Operator, Inc. (NYISO):

NYISO Electric System Planning Working Group Meeting

August 8, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic_espwg&directory=2017-08-08.*

NYISO Business Issues Committee Meeting

August 9, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic&directory=2017-08-09.*

NYISO Operating Committee Meeting

August 10, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=oc&directory=2017-08-10*

NYISO Special Business Issues Committee Meeting

August 18, 2017, 10:00 a.m.–12:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=bic&directory=2017-08-18*

NYISO Electric System Planning Working Group Meeting

August 28, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/publiccommittees/documents.jsp?com=bic_espwg&directory=2017-08-28.*

NYISO Management Committee Meeting

August 30, 2017, 10:00 a.m.–4:00 p.m. (EST)

The above-referenced meeting will be via web conference and teleconference.

The above-referenced meeting is open to stakeholders.

Further information may be found at: *http://www.nyiso.com/public/committees/documents.jsp?com=mc&directory=2017-08-30.*

The discussions at the meetings described above may address matters at issue in the following proceedings:

New York Independent System Operator, Inc., Docket No. ER13–102.

New York Independent System Operator, Inc., Docket No. ER15–2059.

New York Transco, LLC, Docket No. ER15–572.

For more information, contact James Eason, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–8622 or *James.Eason@ferc.gov.*

Dated: August 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–16755 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–915–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rates—Various Capacity Releases to be effective 8/1/2017.

Filed Date: 07/27/2017.

Accession Number: 20170727–5026.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, August 08, 2017.

Docket Numbers: RP17–916–000.

Applicants: Big Sandy Pipeline, LLC.

Description: Big Sandy Pipeline, LLC submits tariff filing per 154.203: Big Sandy Fuel Filing effective 9–1–2017.

Filed Date: 07/27/2017.

Accession Number: 20170727–5166.

Comment Date: 5:00 p.m. Eastern Time on Tuesday, August 08, 2017.

Docket Numbers: RP17–917–000.

Applicants: Southern Star Central Gas Pipeline, Inc.

Description: Southern Star Central Gas Pipeline, Inc. submits tariff filing per 154.204: Vol. 2 Negotiated and Non-Conforming Tenaska Flexible PLS—August Amendment to be effective 8/1/2017.

Filed Date: 07/28/2017.

Accession Number: 20170728–5036.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, August 09, 2017.

Docket Numbers: RP17–918–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Amendments to Negotiated Rate and Non-conforming Agreements (Pensacola 43993) to be effective 8/1/2017.

Filed Date: 07/28/2017.

Accession Number: 20170728–5049.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, August 09, 2017.

Docket Numbers: RP17–919–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmt (Atlanta Gas 8438 to various eff 8–1–17) to be effective 8/1/2017.

Filed Date: 07/28/2017.

Accession Number: 20170728–5050.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, August 09, 2017.

Docket Numbers: RP17–920–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Neg Rate Agmt Filing (DTE 47785) to be effective 8/1/2017.

Filed Date: 07/28/2017.

Accession Number: 20170728–5054.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, August 09, 2017.

Docket Numbers: RP17–921–000.

Applicants: Rockies Express Pipeline LLC.

Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Neg Rate 2017–07–28 StatOil to be effective 8/1/2017.

Filed Date: 07/28/2017.

Accession Number: 20170728–5112.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, August 09, 2017.

Docket Numbers: RP17–922–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: Non-Conforming Agreements—Garden State to be effective 9/1/2017.

Filed Date: 07/28/2017.

Accession Number: 20170728–5115.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, August 09, 2017.

Docket Numbers: RP17–923–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: El Paso Natural Gas Company, L.L.C. submits tariff filing per 154.601: Negotiated Rate Agreement Update (APS Aug 2017) to be effective 8/1/2017.

Filed Date: 07/28/2017.

Accession Number: 20170728–5117.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, August 09, 2017.

Docket Numbers: RP17–924–000.

Applicants: Trailblazer Pipeline Company LLC.

Description: Trailblazer Pipeline Company LLC submits tariff filing per 154.204: Neg Rate 2017–07–28 4 K's to be effective 8/1/2017.

Filed Date: 07/28/2017.

Accession Number: 20170728–5174.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, August 09, 2017.

Docket Numbers: RP17–925–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: Negotiated Rates—Cherokee AGL—Replacement Shippers—Aug 2017 to be effective 8/1/2017.

Filed Date: 07/28/2017.

Accession Number: 20170728–5194.

Comment Date: 5:00 p.m. Eastern Time on Wednesday, August 09, 2017.

Docket Numbers: RP17–926–000.

Applicants: Equitrans, L.P.

Description: Request for Temporary Waiver of certain NAESB Standards of Equitrans, L.P.

Filed Date: 07/28/2017.

Accession Number: 20170728–5231.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 07, 2017.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated July 31, 2017.

Nathaniel J. Davis, Sr.

Deputy Secretary.

[FR Doc. 2017–16760 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Commission Staff Attendance

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of the Commission's staff may attend the following meetings related to the transmission planning activities of Tucson Electric Power Company, UNS Electric, Inc., Public Service Company of New Mexico, Arizona Public Service Company, El Paso Electric Company, Black Hills Power, Inc., Black Hills Colorado Electric Utility Company, LP, Cheyenne Light, Fuel, & Power Company, NV Energy, Inc.; and Xcel Energy Services, Inc. on behalf of Public Service Company of Colorado:

Planning Management Committee Meeting

August 16, 2017, 9 a.m.–12 p.m. (MDT)

Planning Management Committee Meeting

September 20, 2017, 9 a.m.–3 p.m. (MST)

Planning Management Committee Meeting

October 18, 2017, 9 a.m.–3 p.m. (MDT)

The August 16, 2017 Planning Management Committee Meeting will be held at: Tri-State G&T, 1100 W 116th Ave., Westminster, CO 80234.

The September 20, 2017 Planning Management Committee Meeting will be held at: Tucson Electric Power Company, 88 E Broadway Blvd., Tucson, AZ 85701.

The October 18, 2017 Planning Management Committee Meeting will be held at: Energy Strategies, 215 State St. #200, Salt Lake City, UT 84111.

The above-referenced meetings will be available via web conference and teleconference.

The above-referenced meetings are open to stakeholders.

Further information may be found at *http://www.westconnect.com/.*

The discussions at the meetings described above may address matters at issue in the following proceeding:

ER13–75, *Public Service Company of New Mexico; El Paso Electric Company.*

For more information contact Nicole Cramer, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (202) 502–6775 or *nicole.cramer@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–16747 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ17–13–000]

Orlando Utilities Commission; Notice of Filing

Take notice that on July 26, 2017, Orlando Utilities Commission submitted its tariff filing: Revised Non-Jurisdictional Rate Sheets to be effective 10/1/2017.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on August 16, 2017.

Dated: August 3, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–16763 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP17–40–000; CP17–40–001]

Spire STL Pipeline Company, LLC; Notice of Schedule for Environmental Review of the Spire STL Pipeline Project

On January 26, 2017, Spire STL Pipeline, LLC (Spire) filed an application in Docket No. CP17–40–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. On April 21, 2017, Spire amended its application to incorporate various changes in project routing. The proposed project is known as the Spire STL Pipeline Project (Project), and would link the greater St. Louis Region to a new supply of gas, through transport of about 400,000 dekatherms per day of natural gas service.

On February 6, 2017, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—September 29, 2017
90-day Federal Authorization Decision—Deadline December 28, 2017

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

The proposed Project includes (i) about 65 miles of new 24-inch-diameter pipeline in Scott, Greene, and Jersey Counties, Illinois and St. Charles and St. Louis Counties, Missouri, (ii) a new meter station in Scott County, Illinois, (iii) two new meter stations in St Louis County, Missouri, and (iv) additional piping and pigging facilities at each of the three meter stations.

Background

During the Commission's pre-filing process, on October 26, 2016, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Planned Spire STL Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Sessions.* Subsequent to this notice, Spire filed a potential pipeline route alternative in St. Louis County, Missouri. Therefore, on March 3, 2017, the Commission issued a *Supplemental Notice of Intent to Prepare an Environmental Assessment for the Proposed Spire STL Pipeline Project and Request for Comments on Environmental Issues.* These two notices were published in the **Federal Register** [1] and mailed to 1,141 and 342 interested parties, respectively, including affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; other interested parties; and local libraries and newspapers. In response to these two notices, the Commission received comments from The U.S. Environmental Protection Agency, the National Park Service, Missouri Department of Conservation, Missouri Department of Natural Resources, Osage Nation Historic Preservation Office, the Miami Tribe of Oklahoma, the Winnebago Tribe, several labor unions, and 13 landowners. The primary issues raised by the commentors include concerns for the proposed crossing of the Mississippi River regarding contamination of a public water source, construction on steep slopes, opposition to the Chautauqua alternative, concerns for impacts on the Upper Mississippi River Conservation Area, land held in conservation easement/habitat programs (specifically the conservation reserve and quail habitat programs), historic trails, Principia College/Three Rivers Community Farm, and safety.

The U.S. Army Corps of Engineers and Illinois Department of Agriculture are cooperating agencies in the preparation of the EA.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC Web site (*www.ferc.gov*). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and ''Docket Number'' excluding the last three digits (*i.e.,* CP17–40), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

[1] 81 **Federal Register** 31922.

Dated: August 3, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–16749 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2590–061]

Consolidated Water Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of license to change project boundary.

b. *Project No:* 2590–061.

c. *Date Filed:* June 6, 2017.

d. *Applicant:* Consolidated Water Power Company.

e. *Name of Project:* Whiting Hydroelectric Project.

f. *Location:* The project is located on the Wisconsin River in Portage County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Thomas J. Witt, Consolidated Water Power Company, 610 High St., P.O. Box 8050, Wisconsin Rapids, WI 54495–8050, (715) 422–3927.

i. *FERC Contact:* Hillary Berlin, (202) 502–8915, *hillary.berlin@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* August 31, 2017.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–2590–061. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* Consolidated Water Power Company (licensee) filed for Commission approval an application to remove 65 acres of land on the east side of the Wisconsin River from the project boundary. These lands were formerly utilized for industrial purposes, and currently serve no project purpose. The licensee will also obtain ownership of 217 acres of land already within the project boundary, 25 of which are located along the eastern shoreline. The licensee will relocate a portion of the Green Circle State Trail from the lands removed from the boundary to a portion of this land along the shoreline.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title COMMENTS, PROTEST, or MOTION TO INTERVENE as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: August 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–16750 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–79–000]

Florida Gas Transmission Company, L.L.C.; Notice of Revised Schedule for Environmental Review of the Wekiva Parkway Relocation Project

This notice identifies the Federal Energy Regulatory Commission staff's revised schedule for the completion of the environmental assessment (EA) for the Florida Gas Transmission Company, L.L.C. (Florida Gas) Wekiva Parkway Relocation Project. The first notice of schedule, issued on June 7, 2017, identified July 28, 2017 as the EA issuance date. However, due to additional environmental information to be filed by Florida Gas since issuance of the June 7, 2017 Scheduling Notice, the Commission staff requires more time to complete our review. As a result, staff has revised the schedule for issuance of the EA, to allow for time to incorporate supplemental information into the final document.

Schedule for Environmental Review

Issuance of Notice of Availability of EA: September 14, 2017.

90-day Federal Authorization Decision Deadline: December 13, 2017.

If a schedule change becomes necessary, an additional notice will be provided so that the relevant agencies are kept informed of the project's progress.

Additional Information

In order to receive notification of the issuance of the EA and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription (*www.ferc.gov/docs-filing/esubscription.asp).*

Dated: July 27, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–16746 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14819–000]

Merchant Hydro Developers, LLC; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On January 18, 2017, Merchant Hydro Developers, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Allamuchy Pumped Storage Hydroelectric Project to be located near the town of Budd Lake, New Jersey in Morris County, New Jersey. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A new upper reservoir with a surface area of 70 acres and a storage capacity of 1,050 acre-feet at a surface elevation of approximately 1,150 feet above mean sea level (msl) created through construction of a new roller-compacted concrete or rock-filled dam; (2) excavating a new lower reservoir with a surface area of 39 acres and a total storage capacity of 1,260 acre-feet at a surface elevation of 780 feet msl; (3) a new 1,328-foot-long, 48-inch-diameter penstock connecting the upper and lower reservoirs; (4) a new 150-foot-long, 50-foot-wide powerhouse containing two turbine-generator units with a total rated capacity of 32 megawatts; (5) a new transmission line connecting the powerhouse to a nearby electric grid interconnection point with options to evaluate multiple grid interconnection locations; and (6) appurtenant facilities. Possible initial fill water and make-up water would come from the Musconetcong River. The proposed project would have an annual generation of 116,253 megawatt-hours.

Applicant Contact: Adam Rousselle, Merchant Hydro Developers, LLC, 5710 Oak Crest Drive, Doylestown, PA 18902; phone: (267) 254–6107.

FERC Contact: Tim Looney; phone: (202) 502–6096.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice.[1] Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14819–000.

More information about this project, including a copy of the application, can be viewed or printed on the eLibrary link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14819) in the docket number field to access the document. For assistance, contact FERC Online Support.

[1] The Commission is issuing a second notice for this project because some municipalities may not have been notified by the first notice issued on May 25, 2017.

Dated: August 3, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–16748 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP17–363–002.

Applicants: Eastern Shore Natural Gas Company.

Description: Eastern Shore Natural Gas Company submits tariff filing per 154.203: Motion to Place Suspended Tariff Sheets into Effect to be effective 8/1/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5263.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–927–000.

Applicants: Gulf South Pipeline Company, LP.

Description: Gulf South Pipeline Company, LP submits tariff filing per 154.204: Cap Rel Neg Rate Agmt (Petrohawk 41455 to Texla 48436) to be effective 8/1/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5101.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–928–000.

Applicants: Great Lakes Gas Transmission Limited Par.

Description: Great Lakes Gas Transmission Limited Partnership Semi-Annual Transporter's Use Report.

Filed Date: 07/31/2017.

Accession Number: 20170731–5125.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–929–000.

Applicants: Dominion Energy Overthrust Pipeline, LLC.

Description: Annual Fuel Gas Reimbursement Report for 2017 of Dominion Energy Overthrust Pipeline, LLC.

Filed Date: 07/31/2017.

Accession Number: 20170731–5126.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–930–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Algonquin Gas Transmission, LLC submits tariff filing

per 154.204: Negotiated Rates—US Gas to MacQuarie eff 8–1–2017 to be effective 8/1/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5133.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–931–000.

Applicants: Wyoming Interstate Company, L.L.C.

Description: Wyoming Interstate Company, L.L.C. submits tariff filing per 154.403(d)(2): Fuel and L&U Update Filing to be effective 9/1/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5154.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–932–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: Algonquin Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rate—Con Ed to Constellation—794435 to be effective 8/1/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5155.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–933–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.403: Rate Schedule S–2 Tracker Filing (EPC) eff 8/1/2017 to be effective 8/1/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5164.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–934–000.

Applicants: Rockies Express Pipeline LLC.

Description: Rockies Express Pipeline LLC submits tariff filing per 154.204: Neg Rate 2017–07–31 Encana to be effective 8/1/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5168.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–935–000.

Applicants: American Midstream (AlaTenn), LLC.

Description: American Midstream (AlaTenn), LLC submits tariff filing per 154.204: Section 36 Tariff Update to be effective 9/1/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5186.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–936–000.

Applicants: High Point Gas Transmission, LLC.

Description: High Point Gas Transmission, LLC submits tariff filing per 154.204: NAESB Standards Section 6.17 Tariff Update to be effective 9/1/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5191.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–937–000.

Applicants: American Midstream (Midla), LLC.

Description: American Midstream (Midla), LLC submits tariff filing per 154.204: NAESB Standards Section 27 and Negotiated Rate Agreement Section 44 Update to be effective 9/1/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5198.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–938–000.

Applicants: Dominion Energy Transmission, Inc.

Description: Dominion Energy Transmission, Inc. submits tariff filing per 154.204: DETI—July 31, 2017 Negotiated Rate Agreement to be effective 8/1/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5200.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–939–000.

Applicants: Dauphin Island Gathering Partners.

Description: Dauphin Island Gathering Partners submits tariff filing per 154.204: Negotiated Rate Filing 8–1–2017 to be effective 8/1/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5219.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–940–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.203: Flow Through of Dominion Penalty Sharing Rate Schedules GSS & LSS Report.

Filed Date: 07/31/2017.

Accession Number: 20170731–5237.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–941–000.

Applicants: Northern Natural Gas Company.

Description: Northern Natural Gas Company submits tariff filing per 154.204: 20170731 Negotiated Rate to be effective 8/1/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5239.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–942–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: GT&C Section 8—Liability to be effective 8/31/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5268.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–943–000.

Applicants: Total Peaking Services, L. L. C.

Description: Total Peaking Services, L. L. C. submits tariff filing per 154.204: TPS Housekeeping Changes to be effective 9/30/2017.

Filed Date: 07/31/2017.

Accession Number: 20170731–5291.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–944–000.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits tariff filing per 154.203: GSS Storage Ratchet and Minimum Storage Balance Update.

Filed Date: 07/31/2017.

Accession Number: 20170731–5292.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–945–000.

Applicants: Golden Pass Pipeline LLC.

Description: Golden Pass Pipeline LLC submits tariff filing per 154.204: Capacity Reservation for Future Expansion to be effective 9/1/2017.

Filed Date: 08/01/2017.

Accession Number: 20170801–5000.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–946–000.

Applicants: MoGas Pipeline LLC.

Description: Penalty Revenue Crediting Report of MoGas Pipeline LLC.

Filed Date: 07/31/2017.

Accession Number: 20170731–5320.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–947–000.

Applicants: Texas Gas Transmission, LLC.

Description: Texas Gas Transmission, LLC submits tariff filing per 154.204: Cap Rel Neg Rate Agmts (RE Gas 35433, 34955 to BP 36473, 36475) to be effective 8/1/2017.

Filed Date: 08/01/2017.

Accession Number: 20170801–5072.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–948–000.

Applicants: Texas Gas Transmission, LLC.

Description: Texas Gas Transmission, LLC submits tariff filing per 154.204:

Cap Rel Neg Rate Agmt (Gulfport 35446 to BP 36474) to be effective 8/1/2017.

Filed Date: 08/01/2017.

Accession Number: 20170801–5073.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–949–000.

Applicants: Equitrans, L.P.

Description: Equitrans, L.P. submits tariff filing per 154.204: Negotiated Capacity Release Agreements—8/1/2017 to be effective 8/1/2017.

Filed Date: 08/01/2017.

Accession Number: 20170801–5096.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–950–000.

Applicants: Columbia Gas Transmission, LLC.

Description: Columbia Gas Transmission, LLC submits tariff filing per 154.204: Index of Market Areas to be effective 9/1/2017.

Filed Date: 08/01/2017.

Accession Number: 20170801–5107.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–951–000.

Applicants: Sabal Trail Transmission, LLC.

Description: Sabal Trail Transmission, LLC submits tariff filing per 154.204: Negotiated Rate—FPL—Contract 850013 to be effective 9/1/2017.

Filed Date: 08/01/2017.

Accession Number: 20170801–5110.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–952–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: Atlantic Sunrise Project Initial Rate Filing to be effective 9/1/2017.

Filed Date: 08/01/2017.

Accession Number: 20170801–5111.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–953–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Transcontinental Gas Pipe Line Company, LLC submits tariff filing per 154.204: Garden State Expansion—Phase 1 Initial Rate Filing to be effective 9/1/2017.

Filed Date: 08/01/2017.

Accession Number: 20170801–5121.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–954–000.

Applicants: Enable Gas Transmission, LLC.

Description: Enable Gas Transmission, LLC submits tariff filing per 154.204: Negotiated Rate Filing—August 2017 XTO 1010983 to be effective 8/1/2017.

Filed Date: 08/01/2017.

Accession Number: 20170801–5133.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–955–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: Tennessee Gas Pipeline Company, L.L.C. submits tariff filing per 154.204: Volume No. 2—Statoil—Susquehanna West Project SP 322938 to be effective 11/1/2017.

Filed Date: 08/01/2017.

Accession Number: 20170801–5180.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–956–000.

Applicants: Tennessee Gas Pipeline Company, L.L.C.

Description: Tennessee Gas Pipeline Company, L.L.C. submits tariff filing per 154.204: Susquehanna West Project—Recourse Rate to be effective 9/1/2017.

Filed Date: 08/01/2017.

Accession Number: 20170801–5196.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–957–000.

Applicants: Enable Mississippi River Transmission, L.

Description: Enable Mississippi River Transmission, LLC submits tariff filing per 154.204: 2017 Housekeeping Filing to be effective 9/1/2017.

Filed Date: 08/01/2017.

Accession Number: 20170801–5215.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017,

Docket Numbers: RP17–958–000.

Applicants: Cameron Interstate Pipeline, LLC.

Description: Cameron Interstate Pipeline, LLC submits tariff filing per 154.204: Implementation of Pro Forma Capacity Release Umbrella Agreement to be effective 8/1/2017.

Filed Date: 08/01/2017.

Accession Number: 20170801–5240.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

Docket Numbers: RP17–959–000.

Applicants: Texas Eastern Transmission, LP.

Description: Texas Eastern Transmission, LP submits tariff filing per 154.204: Negotiated Rates—Talen Release to NJR 8946884 to be effective 8/1/2017.

Filed Date: 08/01/2017.

Accession Number: 20170801–5241.

Comment Date: 5:00 p.m. Eastern Time on Monday, August 14, 2017.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 2, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–16761 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER17–1643–001.

Applicants: Southwest Power Pool, Inc.

Description: Tariff Amendment: Defiiciency Response in ER17–1643—Offer Database Roll Forward Logic to be effective 7/20/2017.

Filed Date: 8/2/17.

Accession Number: 20170802–5077.

Comments Due: 5 p.m. ET 8/23/17.

Docket Numbers: ER17–2221–000.

Applicants: Astoria Generating Company, L.P.

Description: § 205(d) Rate Filing: Revised Tariff re Cateogry Seller & 819 to be effective 8/3/2017.

Filed Date: 8/2/17.

Accession Number: 20170802–5055, 20170802–5102.

Comments Due: 5 p.m. ET 8/23/17.

Docket Numbers: ER17–2222–000.

Applicants: Crete Energy Venture, LLC.

Description: § 205(d) Rate Filing: Revised MBR Tariff re Cat Seller & 819 to be effective 8/3/2017.

Filed Date: 8/2/17.

Accession Number: 20170802–5056, 20170802–5102.

Comments Due: 5 p.m. ET 8/23/17.

Docket Numbers: ER17–2223–000.

Applicants: Lincoln Generating Facility, LLC.

Description: § 205(d) Rate Filing: Revised MBR Tariff re Cat Seller & 819 to be effective 8/3/2017.

Filed Date: 8/2/17.

Accession Number: 20170802–5057.

Comments Due: 5 p.m. ET 8/23/17.

Docket Numbers: ER17–2224–000.

Applicants: New Covert Generating Company, LLC.

Description: § 205(d) Rate Filing: Revised MBR Tariff re Cat Seller & 829 to be effective 8/3/2017.

Filed Date: 8/2/17.

Accession Number: 20170802–5058.

Comments Due: 5 p.m. ET 8/23/17.

Docket Numbers: ER17–2225–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–08–02_SA 2931 ATC–WPL J390 E&P Termination to be effective 8/3/2017.

Filed Date: 8/2/17.

Accession Number: 20170802–5065.

Comments Due: 5 p.m. ET 8/23/17.

Docket Numbers: ER17–2226–000.

Applicants: Rolling Hills Generating, L.L.C.

Description: § 205(d) Rate Filing: Revised MBR Tariff re Cat Seller & 819 to be effective 8/3/2017.

Filed Date: 8/2/17.

Accession Number: 20170802–5068.

Comments Due: 5 p.m. ET 8/23/17.

Docket Numbers: ER17–2227–000.

Applicants: Southern California Edison Company.

Description: § 205(d) Rate Filing: Amended and Restated TSA Golden State Water Company RS No. 465 to be effective 10/2/2017.

Filed Date: 8/2/17.

Accession Number: 20170802–5075.

Comments Due: 5 p.m. ET 8/23/17.

Docket Numbers: ER17–2228–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–08–02_SA 2509 ITC-Tuscola Wind E&P (J202) Termination to be effective 8/3/2017.

Filed Date: 8/2/17.

Accession Number: 20170802–5076.

Comments Due: 5 p.m. ET 8/23/17.

Docket Numbers: ER17–2229–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Tariff Revisions to Change Frequency of Regional Cost Allocation Review to be effective 10/1/2017.

Filed Date: 8/2/17.

Accession Number: 20170802–5081.

Comments Due: 5 p.m. ET 8/23/17.

Docket Numbers: ER17–2230–000.

Applicants: Golden Spread Electric Cooperative, Inc.

Description: § 205(d) Rate Filing: Member Rate Change—North Plains to be effective 6/8/2017.

Filed Date: 8/2/17.

Accession Number: 20170802–5082.

Comments Due: 5 p.m. ET 8/23/17.

Docket Numbers: ER17–2231–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: OATT–PSCo–TSGT-Non-Conforming BASA 409 0.1.0 to be effective 4/1/2017.

Filed Date: 8/2/17.

Accession Number: 20170802–5087.

Comments Due: 5 p.m. ET 8/23/17.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: August 2, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–16758 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–475–000]

Southwest Gas Storage Company; Notice of Request Under Blanket Authorization

Take notice that on July 19, 2017, Southwest Gas Storage Company (Southwest) 1300 Main Street, Houston, Texas 77002, filed in Docket No. CP17–475–000 a prior notice request pursuant to sections 157.20, 157.208, 157.2135 and 157.216 of the Commission's regulations under the Natural Gas Act for authorization to modify, replace, and abandon certain natural gas storage facilities and convert certain injection/withdrawal wells to observation status within Southwest's existing Howell Storage Field, located in Livingston County, Michigan, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may also be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Blair Lichtenwalter, Senior Director of Certificates, Southwest Gas Storage Company, 1300 Main Street, Houston, Texas 77002, at (713) 989–1205 or by email at *blair.lichtenwalter@energytransfer.com.*

Specifically, Southwest requests authorization to abandon in place seven storage lateral pipelines consisting of approximately 8,528 feet of existing 4, 6, 8, and 12-inch-diameter lateral pipelines and appurtenances, and to convert the connecting injection/withdrawal wells to observation status.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If

a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the e-Filing link.

Dated: August 1, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–16752 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2100–182—California]

California Department of Water Resources; Notice of Availability of Environmental Assessment

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission or FERC) regulations, 18 Code of Federal Regulations part 380, the Office of Energy Projects has reviewed an application filed June 23, 2017, by the California Department of Water Resources to permit Pacific Gas and Electric Company to reroute a portion of its transmission line across project lands in the vicinity of the project's Thermalito Diversion Pool at the Feather River Hydroelectric Project No. 2100. The project is located on the Feather River in Butte County, California, and occupies lands of the United States administered by the U.S. Forest Service and the U.S. Bureau of Land Management.

Staff prepared an environmental assessment (EA) for the application that analyzes the potential environmental effects of approving the transmission line reroute as a non-project use of project lands. In the EA, staff concludes that such an approval, with specified environmental protection measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is available for review at the Commission's Public Reference Room or may it be viewed on the Commission's Web site at *www.ferc.gov* using the ''eLibrary'' link. Enter the docket number P–2100 in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, 202–502–8659.

For further information, contact Mr. John Aedo at (415) 369–3335 or by email at *john.aedo@ferc.gov.*

Dated: August 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–16756 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD17–17–000]

San Gabriel Valley Water Company; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On July 27, 2017, San Gabriel Valley Water Company filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act (FPA), as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The proposed B24 Hydroelectric Station would have a combined installed capacity of 150 kilowatts (kW), and would be located along a 24-inch diameter raw water pipeline. The project would be located near the Town of La Puente in Los Angeles County, California.

Applicant Contact: Robert J. DiPrimio, Senior Vice President, San Gabriel Valley Water Company, 11142 Garvey Avenue, El Monte, CA 91733; Phone No. (626) 448–6183; Email *rjdiprimio@sgvwater.com.*

FERC Contact: Robert Bell, Phone No. (202) 502–6062; Email: *robert.bell@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) A new powerhouse containing one generating unit with an installed capacity of 150 kilowatts (kW) installed in the potable water pipeline; and (2) appurtenant facilities. The proposed project would have an estimated annual generation of 1,200 megawatt-hours (MWh).

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	Description	Satisfies (Y/N)
FPA 30(a)(3)(A), as amended by HREA ..	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA.	The facility has an installed capacity that does not exceed 5 megawatts	Y
FPA 30(a)(3)(C)(iii), as amended by HREA.	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: The proposed hydroelectric project will utilize an existing potable water pipeline, used to convey potable water to storage tanks for subsequent customer distribution. The addition of the B24

Hydroelectric Station will not alter the pipeline's primary purpose. Therefore, based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility, which is not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY or MOTION TO INTERVENE, as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (*i.e.,* CD17–17) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: August 2, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–16751 Filed 8–8–17; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.2001–2005 (2017).

ENVIRONMENTAL PROTECTION AGENCY

[EPA–R09–SFUND–2017–01; FRL–9965–95–Region 9]

MEW Superfund Area, Mountain View, CA; Notice of Proposed Settlement Agreement and Order on Consent for Certain Response Action Activities by Bona Fide Prospective Purchaser

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed settlement.

SUMMARY: This notice announces the availability for review and comment of a proposed administrative settlement agreement under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), between the U.S. Environmental Protection Agency (''EPA''), and Warmington Fairchild Associates LLC (''Warmingotn''), regarding the Middlefield-Ellis-Whisman (MEW) Superfund Area in Mountain View, California. Under this Settlement Agreement, Warmington agrees to perform certain response action activities at the property located at 277 Fairchild Drive and 228 and 236 Evandale Avenue, in Mountain View, California.

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

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R09–SFUND–2017–01, to the *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (''CBI'') or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Bethany Dreyfus, Assistant Regional Counsel, Office of Regional Counsel (ORC–3), U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105; tel: (415) 972–3886; fax: (415) 947–3570; *Dreyfus.Bethany@epa.gov.*

SUPPLEMENTARY INFORMATION: Under the terms of the settlement, Warmington agrees to implement the Response Action Plan, dated June 30, 2017, intended to lower ''hot spot'' area trichloroethene (TCE) contaminant concentrations in the soil gas and groundwater. The Response Action Plan provides for reduction of ''hot spot'' contamination to reduce potential risks to human health from exposure to TCE through the subsurface vapor intrusion pathway prior to construction of residential units in those areas. Warmington agrees to pay EPA's costs for oversight of the response action activities. In exchange, Warmington will receive a covenant not to sue from the United States. EPA will consider all comments submitted by the date set forth above and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate the proposed settlement is inappropriate, improper, or inadequate.

Dated: July 28, 2017.

Enrique Manzanilla,

Director, Superfund Division, U.S. Environmental Protection Agency, Region 9.

[FR Doc. 2017–16813 Filed 8–8–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9965–94–Region 6]

Public Water System Supervision Program Revision for the State of Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative approval.

SUMMARY: Notice is hereby given that the State of Louisiana is revising its approved Public Water System Supervision (PWSS) program. Louisiana has adopted the Revised Total Coliform Rule (RTCR) and Groundwater Rule (GWR) by reference under *LAC Title 51 Part XII—Water Supplies* of the Louisiana State Sanitary Code. EPA has determined that the RTCR and GWR primacy applications submitted by Louisiana is no less stringent than the corresponding federal regulations. Therefore, EPA intends to approve this PWSS program revision package.

DATES: All interested parties may request a public hearing. A request for a public hearing must be submitted by September 8, 2017 to the Regional Administrator at the EPA Region 6 address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by September 8, 2017, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on September 8, 2017. Any request for a public hearing shall include the following information: The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing; and the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the following offices: Louisiana Department of Health, Engineering Services, Bienville Building, 628 N. 4th Street, Baton Rouge, LA 70821–3214; and United States Environmental Protection Agency, Region 6, Drinking Water Section (6WQ–SD), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202. Copies of the documents which explain the rule can also be obtained at EPA's Web site at *https://www.federalregister.gov/articles/2013/02/13/2012-31205/national-primary-drinking-water-regulations-revisions-to-the-total-coliform-rule, https://www.federalregister.gov/articles/2014/02/26/2014-04173/national-primary-drinking-water-regulations-minor-corrections-to-the-revisions-to-the-total-coliform,* and *https://www.federalregister.gov/documents/2006/11/08/06-8763/national-primary-drinking-water-regulations-ground-water-rule* or by writing or calling Ms. Evelyn Rosborough at the address below.

FOR FURTHER INFORMATION CONTACT: For further information contact Evelyn Rosborough, Environmental Protection Specialist, Water Quality Protection Division, U.S. Environmental Protection Agency Region 6, 1445 Ross Ave., Dallas, TX 75202–2733, telephone (214) 665–7515, facsimile (214) 665–6490, or email: *rosborough.evelyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

Authority: Section 1413 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142 of the National Primary Drinking Water Regulations.

Dated: July 27, 2017.

Samuel J. Coleman,

Acting Regional Administrator, Region 6.

[FR Doc. 2017–16817 Filed 8–8–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2016–0446; FRL–9964–59–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Standards for Pesticide Containers and Containment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): ''Standards for Pesticide Containers and Containment'' and identified by EPA ICR No. 1632.05 and OMB Control No. 2070–0133. The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized in this document. EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** on September 26, 2016 (81 FR 66014). With this submission, EPA is providing an additional 30 days for public review.

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

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ-OPP–2016–0446, to both EPA and OMB as follows:

- To EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- To OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Ramé Cromwell, Field and External Affairs Division, Office of Pesticide Programs, (7506P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 703 308–9068; fax number: 703 308–0029; email address: *cromwell.rame@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

ICR status: OMB approval for this ICR expired on July 1, 2017 due to administrative error. This action is a request to reinstate OMB approval for the information collection activities outlined in this document.

Under PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This information collection request covers the information collection activities associated with the container design and residue removal requirements and containment structure requirements. With respect to the container design and residue removal requirements, the information collection activities are associated with the requirement that businesses subject to the container regulations (pesticide registrants) and repackaging regulations (pesticide registrants and refillers) maintain records of test data, cleaning procedures, certain data when a container is refilled, and other supporting information. These records are subject to both call-in by EPA and on-site inspection by EPA and its representatives. EPA has not established a regular schedule for the collection of these records, and there is no reporting.

With respect to the containment structure requirements, the information collection activities are associated with the requirement that businesses subject to the containment structure regulations maintain records of the: (1) Monthly inspection and maintenance of each containment structure and all stationary bulk containers; (2) duration over which non-stationary bulk containers holding pesticide and not protected by a secondary containment unit remain at the same location; and (3) construction date of the containment structure.

The businesses subject to the containment structure regulations include agrichemical retailers and refilling establishments, custom blenders and commercial applicators of agricultural pesticides. The records have to be maintained by the owners and operators of such businesses. There is no regular schedule for the collection of either of these records, nor does EPA anticipate a call-in of records at some future date. Instead, the records would be available to inspectors to ensure that businesses are in compliance with containment requirements. These inspections are generally conducted by the states, which enforce FIFRA regulations through cooperative agreements with EPA.

Respondents/Affected Entities: Pesticide registrants and businesses who formulate pesticide products or pesticide formulation intermediates, farm supply wholesalers, swimming pool applicators, and agricultural (aerial and ground) commercial applicators.

Respondent's Obligation To Respond: Mandatory under sections 3, 8, 19, and 25 of the Federal Insecticide and Rodenticide ACT (FIFRA) (7 U.S.C. 136f, 136q, and 136w).

Estimated Number of Respondents: 23,586.

Frequency of Response: On occasion.

Estimated Total Burden: 169,660 hours per year.

Estimated Total Cost: $7,296,308 per year.

Changes in the Estimates: There is no change in the estimated respondent burden compared with the ICR currently approved by OMB.

Authority: 44 U.S.C. 3501 *et seq.*

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2017–16781 Filed 8–8–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9965–93–OA]

Notification of a Public Meeting of the Clean Air Scientific Advisory Committee (CASAC) Sulfur Oxides Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces a public meeting of the Clean Air Scientific Advisory Committee (CASAC) Sulfur Oxides Panel to peer review EPA's *Risk and Exposure Assessment for the Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide (External Review Draft)* and *Policy Assessment for the Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide (External Review Draft).*

DATES: The CASAC Sulfur Oxides Panel meeting will be held on Monday, September 18, 2017, from 9:00 a.m. to 5:00 p.m. (Eastern Time) and Tuesday, September 19, 2017, from 8:30 a.m. to 5:00 p.m. (Eastern Time).

ADDRESSES: Location. The public meeting will be held at the Residence Inn Arlington Capital View, 2850 South Potomac Avenue, Arlington, Virginia, 22202.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the public meeting may contact Mr. Aaron Yeow, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400R), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460; by telephone at (202) 564–2050 or at *yeow.aaron@epa.gov.* General information about the CASAC, as well as any updates concerning the meetings announced in this notice, may be found on the CASAC Web page at *http://www.epa.gov/casac.*

SUPPLEMENTARY INFORMATION: The CASAC was established pursuant to the Clean Air Act (CAA) Amendments of 1977, codified at 42 U.S.C. 7409(d)(2), to review air quality criteria and National Ambient Air Quality Standards (NAAQS) and recommend any new NAAQS and revisions of existing criteria and NAAQS as may be appropriate. The CASAC is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. Section 109(d)(1) of the CAA requires that the Agency periodically review and revise, as appropriate, the air quality criteria and the NAAQS for the six ''criteria'' air pollutants, including sulfur oxides. EPA is currently reviewing the primary (health-based) NAAQS for sulfur dioxide (SO_2) as an indicator for health effects caused by the presence of sulfur oxides in the ambient air. Pursuant to FACA and EPA policy, notice is hereby given that the CASAC Sulfur Oxides Panel will hold a public face-to-face meeting to review EPA's *Risk and Exposure Assessment for the Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide (External Review Draft)* and *Policy Assessment for the Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide (External Review Draft).* The CASAC Sulfur Oxides Panel and CASAC will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

Technical Contacts: Any technical questions concerning the *Risk and Exposure Assessment for the Review of the Primary National Ambient Air Quality Standard for Sulfur Dioxide (External Review Draft)* and *Policy Assessment for the Review of the Primary National Ambient Air Quality*

Standard for Sulfur Dioxide (External Review Draft) should be directed to Dr. Nicole Hagan (*hagan.nicole@epa.gov*), EPA Office of Air and Radiation.

Availability of Meeting Materials: Prior to the meeting, the review documents, agenda and other materials will be available on the CASAC Web page at *http://www.epa.gov/casac/*.

Procedures for Providing Public Input: Public comment for consideration by EPA's Federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a Federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit relevant comments on the topic of this advisory activity, including the charge to the panel and the EPA review documents, and/or the group conducting the activity, for the CASAC to consider as it develops advice for EPA. Input from the public to the CASAC will have the most impact if it provides specific scientific or technical information or analysis for CASAC panels to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should follow the instructions below to submit comments.

Oral Statements: In general, individuals or groups requesting an oral presentation at a public meeting will be limited to five minutes. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact Mr. Aaron Yeow, DFO, in writing (preferably via email) at the contact information noted above by September 12, 2017, to be placed on the list of public speakers.

Written Statements: Written statements will be accepted throughout the advisory process; however, for timely consideration by CASAC members, statements should be supplied to the DFO (preferably via email) at the contact information noted above by September 12, 2017. It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the CASAC Web site. Copyrighted material will not be posted without explicit permission of the copyright holder.

Accessibility: For information on access or services for individuals with disabilities, please contact Mr. Aaron Yeow at (202) 564–2050 or *yeow.aaron@epa.gov.* To request accommodation of a disability, please contact Mr. Yeow preferably at least ten days prior to each meeting to give EPA as much time as possible to process your request.

Dated: August 1, 2017.

Khanna Johnston,

Acting Deputy Director, EPA Science Advisory Staff Office.

[FR Doc. 2017–16814 Filed 8–8–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIROMENTAL PROTECTION AGENCY

[FRL–9963–35–Region 3]

Clean Air Act Operating Permit Program; Petition To Object to Title V Permit for Scrubgrass Generating Company; Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final action.

SUMMARY: Pursuant to the Clean Air Act (CAA), the Environmental Protection Agency (EPA) Administrator signed an Order, dated May 12, 2017, granting a petition to object to a state operating permit issued by the Pennsylvania Department of Environmental Protection (PADEP) to the Scrubgrass Generating Company for its facility in Kennerdell, Pennsylvania. The Order responds to a May 4, 2016 petition. The petition was submitted by the Sierra Club (Petitioner). This Order constitutes final action on that petition requesting that the Administrator object to the issuance of the proposed CAA title V permit.

ADDRESSES: Copies of the final Order, the petition, and all pertinent information relating thereto are on file at the following location: EPA, Region III, Air Protection Division (APD), 1650 Arch St., Philadelphia, Pennsylvania 19103. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, petition, and other supporting information. You may view the hard copies Monday through Friday, from 9 a.m. to 3 p.m., excluding Federal holidays. If you wish to examine these documents, you should make an appointment at least 24 hours before the visiting day. The final Order is also available electronically at the following Web site: *https://www.epa.gov/title-v-operating-permits/title-v-petition-database.*

FOR FURTHER INFORMATION CONTACT: David Talley, Air Protection Division, EPA Region III, telephone (215) 814–2117, or by email at *talley.david@epa.gov.*

SUPPLEMENTARY INFORMATION: The CAA affords EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to a state operating permit if EPA has not done so. Petitions must be based only on objections raised with reasonable specificity during the public comment period, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or that the grounds for objection or other issue arose after the comment period.

The May 4, 2016 petition requested that the Administrator object to the proposed title V operating permit issued by PADEP (Permit No. 61–00181), on the grounds that the proposed permit contains a condition whereby Scrubgrass would be improperly permitted a three-year compliance extension for the hydrochloric acid/sulfur dioxide emission limit pursuant to subpart UUUUU (National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units) of 40 CFR part 63.

The Order granting the petition to object to the state operating permit to the Scrubgrass Generating Company explains the reasons behind EPA's decision to grant the petition for objection

Dated: May 19, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

[FR Doc. 2017–16820 Filed 8–8–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9965–72–Region 2]

Clean Water Act Section 303(d): Availability of List Decisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice and request for comments.

SUMMARY: This notice announces EPA's proposed decision to identify certain water quality limited waters and the associated pollutant to be listed, pursuant to Clean Water Act (CWA) Section 303(d)(2), on New York's list of impaired waters, and requests public comment. Section 303(d)(2) of the CWA and EPA's implementing regulations require States to submit, and EPA to approve or disapprove, lists of waters for which technology-based and other controls are not stringent enough to attain or maintain State water quality standards and for which total maximum daily loads (TMDLs) must be established. States are required to establish a priority ranking for waters on the list and to identify waters targeted for TMDL development over the next two years.

New York submitted its 2016 CWA Section 303(d) list (2016 303(d) list) to EPA in correspondence dated December 21, 2016. On July 21, 2017, EPA partially approved and partially disapproved New York's 2016 303(d) list. Specifically, EPA approved New York's 2016 303(d) list with respect to the 792 waterbody/pollutant combinations requiring TMDLs that New York included on its list, the State's priority ranking for these waterbody/pollutant combinations and the waterbody/pollutant combinations targeted for TMDL/Restoration Strategy development in 2017. However, EPA disapproved New York's 2016 303(d) list because EPA determined that it does not include seventy-one waterbody/pollutant combinations that meet CWA Section 303(d) listing requirements.

For a detailed explanation of EPA's partial approval/partial disapproval, please refer to EPA's Support Document (*https://www.epa.gov/tmdl/new-york-impaired-waters-list*). EPA is providing the public the opportunity to review its proposed decision to add these seventy-one waterbody/pollutant combinations to New York's 2016 303(d) list. EPA will consider public comments before transmitting its final listing decision to the State.

DATES: Comments must be submitted to EPA on or before September 8, 2017.

ADDRESSES: Comments on the proposed decision should be sent to Aimee Boucher, U.S. Environmental Protection Agency Region 2, 290 Broadway, New York, NY 10007, email *boucher.aimee@epa.gov,* telephone (212)-637–3837. Oral comments will not be considered. Copies of EPA's letter and support document regarding New York's list can be obtained by calling or emailing Ms. Boucher at the address above. Underlying documents from the administrative record for these decisions are available for public inspection at the above address. Please contact Ms. Boucher to schedule an inspection.

FOR FURTHER INFORMATION CONTACT: Aimee Boucher at (212) 637–3837 or at *boucher.aimee@epa.gov.*

SUPPLEMENTARY INFORMATION: EPA partially disapproved New York's 2016 303(d) list because EPA determined that it does not include seventy-one waterbody/pollutant combinations that meet CWA Section 303(d) listing requirements. These seventy-one waterbody/pollutant combinations include:

(1) Thirty-eight waterbody/pollutant combinations New York previously placed in Integrated Report Category 4b (*i.e.,* impaired waters where a TMDL is not necessary because other required controls will result in attainment of water quality standards within a reasonable period of time) without adequate justification;

(2) one waterbody/pollutant combination New York delisted from its 2014 303(d) list and moved to Integrated Report Category 4b without adequate justification;

(3) four waterbody/pollutant combinations New York delisted from its 2014 303(d) list without data or information indicating New York's applicable water quality standard for dissolved oxygen is met;

(4) twenty-six waterbody/pollutant combinations New York delisted from its 2014 303(d) list without data or information indicating New York's applicable narrative nutrients standard is met; and

(5) two waterbody/pollutant combinations New York did not include on its 2016 303(d) list where data or information indicate that New York's applicable water quality standard for dissolved oxygen is not met.

Authority: Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: July 27, 2017.

Catherine McCabe,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 2.

[FR Doc. 2017–16816 Filed 8–8–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0141; FRL–9965–34]

Certain New Chemicals or Significant New Uses; Statements of Findings for June 2017

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(g) of the Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of TSCA section 5(a) notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA section 5. This document presents statements of findings made by EPA on TSCA section 5(a) notices during the period from June 1, 2017 to June 30, 2017.

FOR FURTHER INFORMATION CONTACT: *For technical information contact:* Greg Schweer, Chemical Control Divison (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–8469; email address: *schweer.greg@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

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

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0141, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William

Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from June 1, 2017 to June 30, 2017.

III. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;
- The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or
- The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term ''conditions of use'' is defined in TSCA section 3 to mean ''the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.''

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

- EPA case number assigned to the TSCA section 5(a) notice.
- Chemical identity (generic name, if the specific name is claimed as CBI).
- Web site link to EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C).

EPA case number: P–17–0264; *Chemical identity:* Alkanoic acid, 2-alkyl-, substituted alkyl ester, polymer with alkyl alkenoate, substituted carbomonocycle, substituted alkyl alkenoate and alkyl substituted alkenoate, substituted alkanenitrile-initiated; polymer exemption flag (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-66.*

EPA case number: P–16–0426; *Chemical identity:* Alkenyl bis-succinimide (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-65.*

EPA case number: P–17–0255; *Chemical identity:* Carbomonocyclic dicarboxylic acid, polymer with carbomonocyclic dicarboxylic acid, alkanedioic acid, alkenedioic acid, substituted dioxoheteropolycyclic, substituted dioxoheteropolycyclic, alkanedioic acid, alkoxylated alkylidene dicarbomonocycle and alkoxylated alkylidene dicarbomonocycle, ester (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-64.*

EPA case number: P–16–0587; *Chemical identity:* Galactoarabinoxylan (CASRN: 37324–70–2); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-63.*

EPA case number: P–16–0401; *Chemical identity:* Alkyl acrylate polymer; polymer exemption flag (generic name); *Web site link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-62.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: July 27, 2017.

Greg Schweer,

Chief, New Chemicals Management Branch, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2017–16824 Filed 8–8–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9965–66–OARM]

National and Governmental Advisory Committees

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Public Advisory Committee meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the National Advisory Committee and the Governmental Advisory Committee will hold a public meeting on Thursday, September 14 and Friday, September 15,

2017 in Washington, DC. The meeting is open to the public.

DATES: The National and Governmental Advisory Committees will hold an open meeting on Thursday, September 14, 2017 from 9:00 a.m. to 5:30 p.m., and Friday, September 15, 2017 from 9:00 a.m. until 3:00 p.m.

ADDRESSES: The meeting will be held at the U.S. EPA, Conference Room 2138, located in the William Jefferson Clinton South Building, 1200 Pennsylvania Ave. NW., Washington, DC 20004. Telephone: 202–564–2294. The meeting is open to the public, with limited seating on a first-come, first-served basis.

SUPPLEMENTARY INFORMATION: The agenda, meeting materials, and general information about the NAC and GAC will be available at *http://www2.epa.gov/faca/nac-gac.* If you wish to make oral comments or submit written comments to the NAC/GAC please contact Oscar Carrillo at least five days prior to the meeting at *carrillo.oscar@epa.gov.*

Purpose of meeting: The purpose of the meeting is to provide advice on trade and environment issues related to the North American Agreement on Environmental Cooperation. The meeting will also include a public comment session.

Meeting access: For information on access or services for individuals with disabilities, please contact Oscar Carrillo at 202–564–0347 or *carrillo.oscar@epa.gov.* To request accommodation of a disability, please contact Oscar Carrillo, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: July 17, 2017.

Oscar Carrillo,

Designated Federal Officer.

[FR Doc. 2017–16812 Filed 8–8–17; 8:45 am]

BILLING CODE 6550–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2016–0463; FRL–9964–60–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Pesticide Registration Fees Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has submitted the following information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA): ''Pesticide Registration Fees Program'' and identified by EPA ICR No. 2330.03 and OMB Control No. 2070–0179. The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized in this document. EPA did not receive any comments in response to the previously provided public review opportunity issued in the **Federal Register** on September 26, 2016 (81 FR 66012). With this submission, EPA is providing an additional 30 days for public review.

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

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2016–0463, to both EPA and OMB as follows:

- To EPA online using *http://www.regulations.gov* (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.
- To OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Cameo Smoot, Field and Regulatory Affairs Division. (7506P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–5454; email address: *smoot.cameo@epa.gov.*

SUPPLEMENTARY INFORMATION:

Docket: Supporting documents, including the ICR that explains in detail the information collection activities and the related burden and cost estimates that are summarized in this document, are available in the docket for this ICR. The docket can be viewed online at *http://www.regulations.gov* or in person at the EPA Docket Center, West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is (202) 566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

ICR Status: OMB approval for this ICR expired on July 1, 2017 due to administrative error. This action is a request to reinstate OMB approval for the information collection activities outlined in this document. Under OMB regulations, the Agency may continue to conduct or sponsor the collection of information while this submission is pending at OMB. Under PRA, 44 U.S.C. 3501 *et seq.,* an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR covers the paperwork burden hours and costs associated with the information collection activities under the pesticide registration fee programs implemented through EPA's Office of Pesticide Programs. Pesticide registrants are required by statute to pay an annual registration maintenance fee for all products registered under Section 3 and Section 24(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). In addition, the Pesticide Registration Improvement Act (PRIA) amended FIFRA in 2004 to create a registration service fee system for applications for specific pesticide registration, amended registration, and associated tolerance actions (Section 33). This mandatory collection specifically covers the activities related to the annual registration maintenance fees, the registration service fees and the burden associated with the submission of requests for fees to be waived.

Respondents/Affected Entities: Entities potentially affected by this ICR are pesticide and other agricultural chemical manufacturers, other basic inorganic chemical manufacturers, other basic organic chemical manufacturers, and regulators of agricultural marketing commodities.

Respondent's Obligation To Respond: This information collection is mandatory under FIFRA sections 4(i)(5) and 33.

Estimated Total Number of Potential Respondents: 1,471

Frequency of Response: Annual and on occasion.

Estimated Total Burden: Ranges from 1,681 to 6,840 hours per year depending

on the program. Burden is defined at 5 CFR 1320.3(b).

Estimated Total Costs: $63,971 (per year). There are no annualized capital investment or maintenance and operational costs.

Changes in the Estimates: The total annual burden for respondents associated with pesticide product registration maintenance fee is 1,681 hours, a decrease from 1,993 hours as previously reported in the last ICR. The reason for the decrease was a slight refinement in the estimate per response from 1.14 hours to 1.13 hours and a reduction in the number responses from 1,744 to 1,471. Costs increased since the last renewal because of labor cost increases. The total estimated annual respondent burden for the pesticide registration service fee waivers information collection has increased about 15% from 5,914 hours in the existing ICR to 6,840 hours for this renewal, due to the increase of respondent's usage of the newer waiver provisions allowed under the law.

Authority: 44 U.S.C. 3501 *et seq.*

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2017–16782 Filed 8–8–17; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meeting; Farm Credit Administration Board

AGENCY: Farm Credit Administration.

ACTION: Notice, regular meeting.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATES: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on August 10, 2017, from 9:00 a.m. until such time as the Board concludes its business.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. *Approval of Minutes*

- July 13, 2017

B. *New Business*

- Compeer Financial, ACA's Request to Invest in a Rural Continuous Care Facility

Date: August 7, 2017.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2017–16846 Filed 8–7–17; 11:15 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Items From Sunshine Act Meeting

July 31, 2017.

The following agenda item has been adopted by the Commission, and deleted from the list of items scheduled for consideration at the Thursday, August 3, 2017, Open Meeting and previously listed in the Commission's Notice of July 27, 2017.

6	INTERNATIONAL	*Title:* Implementation of section 25.281(b) Transmitter Identification Requirements for Video Uplink Transmissions (IB Docket No. 12–267). *Summary:* The Commission will consider a Memorandum Opinion and Order that waives the requirement that satellite news trucks, and other temporary-fixed satellite earth stations transmitting digital video, comply with the Digital Video Broadcasting-Carrier Identification (DVB–CID) standard if the earth station uses a modulator that cannot meet the DVB–CID standard through a software upgrade.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2017–16849 Filed 8–7–17; 11:15 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than August 23, 2017.

A. *Federal Reserve Bank of St. Louis* (David L. Hubbard, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to *Comments.applications@stls.frb.org:*

1. *Joseph C. Stewart III; Sheila M. Stewart; Joseph C. Stewart III and Sheila M. Stewart, Husband and Wife, as Tenants by the Entirety; the Joseph C. Stewart III Family Trust DTD 4/9/98, Troy J. Scheske, Trustee; Joseph C. Stewart III as custodian for and with voting power over shares owned by two minor children; the Joseph C. Stewart III Irrevocable Trust U/T Stewart Banking Trust DTD 10/11/98, Joseph C. Stewart III, Trustee; the Wendy C. Stewart Exempt Trust DTD 3/29/05, Judith A. Kite, Trustee; and the Wendy C. Stewart Irrevocable Trust U/T Stewart Banking*

Trust DTD 10/11/98, Charles A. Hapke and Wendy C. Stewart, Trustees, all of Sunset Hills, Missouri, as members of a family control group, to retain voting shares of BancStar, Inc., St. Louis, Missouri, and thereby retain shares of Bank Star, Pacific, Missouri.

Board of Governors of the Federal Reserve System, August 3, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–16712 Filed 8–8–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

[Docket No. OP–1570]

Proposed Guidance on Supervisory Expectation for Boards of Directors

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Notice.

SUMMARY: The Board invites comment on a proposal addressing supervisory expectations for the boards of directors of bank holding companies, savings and loan holding companies, state member banks, U.S. branches and agencies of foreign banking organizations, and systemically important nonbank financial companies designated by the Financial Stability Oversight Council for supervision by the Federal Reserve. For the largest domestic bank and savings and loan holding companies and systemically important nonbank financial companies, the proposal would establish principles regarding effective boards of directors focused on the performance of a board's core responsibilities. The proposal would also better distinguish between the roles and responsibilities of an institution's board of directors and those of senior management. For domestic bank and savings and loan holding companies, the proposal also would eliminate or revise supervisory expectations contained in certain existing Federal Reserve Supervision and Regulation letters, which would be aligned with existing or proposed guidance for boards depending on the size of the firm.

DATES: Comments must be received no later than October 10, 2017.

ADDRESSES: Interested parties are invited to submit written comments by following the instructions for submitting comments at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include the docket number in the subject line of the message.
- *Fax:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Address to Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments will be made available on the Board's Web site at *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room 3515, 1801 K Street NW. (between 18th and 19th Street NW.), Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

FOR FURTHER INFORMATION CONTACT: Michael Hsu, Associate Director, (202) 912–4330, Michael Solomon, Associate Director, (202) 452–3502, Richard Naylor, Associate Director, (202) 728–5854, Division of Supervision and Regulation; Ben McDonough, Assistant General Counsel, (202) 452–2036, Scott Tkacz, Senior Counsel, (202) 452–2744, Keisha Patrick, Senior Counsel, (202) 452–3559, or Chris Callanan, Senior Attorney, (202) 452–3594, Legal Division, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. For the hearing impaired only, Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869.

SUPPLEMENTARY INFORMATION: The Board invites comment on a proposal addressing supervisory expectations on boards of directors (boards or boards of directors). The proposal has been informed by a multi-year review by the Federal Reserve of practices of boards of directors, particularly at the largest banking organizations. The review assessed, among other things, the factors that make boards effective, the challenges boards face, and how boards influence the safety and soundness of their firms and promote compliance with laws and regulations. The Federal Reserve also reviewed expectations contained in Board supervisory guidance. This notice and the guidance proposed herein constitute the results of the review.

Among other things, the results of the review and discussions with independent directors suggest that supervisory expectations for boards of directors and senior management have become increasingly difficult to distinguish. Greater clarity regarding these supervisory expectations could improve corporate governance overall, increase efficiency, support greater accountability, and promote compliance with laws and regulations. The results of the review also suggest that boards often devote a significant amount of time satisfying supervisory expectations that do not directly relate to the board's core responsibilities, which include guiding the development of the firm's strategy and the types and levels of risk it is willing to take (also referred to as risk tolerance), overseeing senior management and holding them accountable for effective risk management and compliance among other responsibilities, supporting the stature and independence of the firm's independent risk management and internal audit functions, and adopting effective governance practices. Boards completing such non-core tasks may do so at the expense of sufficiently focusing on their core responsibilities, which when exercised effectively promote the safety and soundness of the firm. Finally, the results of the review suggest that boards of large financial institutions face significant information flow challenges, especially in preparing for and participating in board meetings. Absent actively managing its information flow, boards can be overwhelmed by the quantity and complexity of information they receive. Although boards have oversight responsibilities over senior management, they are inherently disadvantaged given their dependence on senior management for the quality and availability of information.

The Board invites comment on a proposal consisting of three parts that are each intended to refocus supervisory expectations for boards on a board's core responsibilities. The first part includes proposed supervisory guidance addressing effective boards of directors (proposed BE guidance), which would apply to all bank and savings and loan holding companies with total consolidated assets of $50 billion or more, and to systemically important nonbank financial companies designated by the Financial Stability Oversight Council for supervision by the Federal Reserve.[1] The proposed BE guidance would clarify supervisory expectations for boards as distinct from

[1] The proposed BE guidance would not apply to U.S. intermediate holding companies (IHCs) of foreign banking organizations (FBOs) established pursuant to Regulation YY. The Board anticipates proposing guidance on board effectiveness for IHCs at a later date.

expectations for senior management, and identifies five key attributes of effective boards of directors that the Board would use when assessing a firm's board of directors.

The proposed BE guidance would be used in connection with the supervisory assessment of board effectiveness under the proposed Large Financial Institution (LFI) rating system, which the Federal Reserve is issuing for public comment concurrently with this proposal. The proposed LFI rating system would apply to all bank holding companies with total consolidated assets of $50 billion or more; all non-insurance, non-commercial savings and loan holding companies with total consolidated assets of $50 billion or more; and U.S. intermediate holding companies of foreign banking organizations established pursuant to the Federal Reserve's Regulation YY. The proposed LFI rating system consists of three components, each of which would be assigned a rating: Governance and Controls, Capital Planning and Positions, and Liquidity Risk Management and Positions. The Governance and Controls component rating would evaluate the effectiveness of a firm's (i) board of directors, (ii) management of core business lines and independent risk management and controls,[2] and (iii) recovery planning (only for domestic bank holding companies subject to the Federal Reserve's Large Institution Supervision Coordinating Committee (LISCC) supervisory framework).[3]

The second part of the proposal would refocus supervisory guidance found in existing Supervision and Regulation (SR) letters for boards of directors of bank and savings and loan holding companies of all sizes. This proposal would revise certain supervisory expectations for boards to ensure they are aligned with the Federal Reserve's supervisory framework, and would eliminate redundant, outdated, or irrelevant supervisory expectations. The Board also plans to review guidance that has been adopted on an interagency basis and requirements established by rule concerning boards of directors and would consider modifications in those areas at a later date.

The third part of the proposal includes proposed supervisory guidance that would replace Federal Reserve SR letter 13–13/CA letter 13–10.[4] The proposed guidance would facilitate the execution of boards' core responsibilities by clarifying expectations for communicating supervisory findings to an institution's board of directors and senior management. The proposed guidance would indicate that the Federal Reserve expects to direct most Matters Requiring Immediate Attention (MRIAs) and Matters Requiring Attention (MRAs) to senior management for corrective action. MRIAs and MRAs would only be directed to the board for corrective action when the board needs to address its corporate governance responsibilities or when senior management fails to take appropriate remedial action. The board would remain responsible for holding senior management accountable for remediating supervisory findings. This proposed guidance would apply to all financial institutions supervised by the Federal Reserve.

Although the proposal would not address all existing supervisory expectations for boards of directors, the Board intends to continue reviewing existing supervisory expectations for boards of directors.

I. Proposed Board Effectiveness (BE) Guidance

The proposed BE guidance better distinguishes the supervisory expectations for boards from those of senior management, and describes effective boards as those which: (1) Set clear, aligned, and consistent direction regarding the firm's strategy and risk tolerance, (2) actively manage information flow and board discussions, (3) hold senior management accountable, (4) support the independence and stature of independent risk management[5] and internal audit, and (5) maintain a capable board composition and governance structure.

These five attributes support safety and soundness and would provide the framework with which the Federal Reserve proposes to assess a firm's board of directors under the proposed LFI rating system. Assessing the effectiveness of a board of directors using these attributes reflects the view that applying standardized expectations for boards of directors fails to take into account differences in firms' activities, risk profiles, and complexity, and potentially prevents a board from achieving maximum effectiveness in meeting its core responsibilities.

In assessing a board's effectiveness, supervisors rely on various sources of information, including firm-provided materials and examinations. As noted in the proposed BE guidance, a board of directors may also provide to supervisors a self-assessment of its effectiveness, for example, relative to the five attributes, which the Federal Reserve would take into consideration in its evaluation. The proposed BE guidance does not prescribe how such a self-assessment should be conducted or documented.

II. Rescinding or Revising Existing Federal Reserve Expectations for Boards of Directors

The Federal Reserve is conducting a comprehensive review of all existing supervisory expectations and regulatory requirements relating to boards of directors of bank and savings and loan holding companies of all sizes. The purpose of the review is to identify supervisory expectations for boards of directors which do not relate to their core responsibilities or are not aligned with the Federal Reserve's supervisory framework. The Federal Reserve believes that revising or eliminating unnecessary, redundant, or outdated expectations, as appropriate, will allow boards to focus more of their time and resources on fulfilling their core responsibilities.

The Federal Reserve is conducting this review in two phases. The first phase is focused on reviewing supervisory expectations of boards set forth in existing SR letters that communicate Board guidance. The preliminary results of the first phase are discussed in more detail below. The second phase of the review is focused on requirements and supervisory expectations set forth in Board regulations or in various forms of interagency guidance. Revising Board regulations generally will take more time to complete, and revisions to interagency guidance require consultation and collaboration with other federal banking agencies. The Board's proposed changes to supervisory expectations for the second phase would be released for notice and comment at a later date.[6]

[2] The Federal Reserve also plans to separately release additional proposed guidance seeking comment on supervisory expectations relating to a firm's management of core business lines and independent risk management and controls. The release describing the proposed LFI rating system includes a summary of that planned guidance.

[3] See SR letter 14–8, ''Consolidated Recovery Planning for Certain Large Domestic Bank Holding Companies,'' at *https://www.federalreserve.gov/supervisionreg/srletters/sr1408.htm.*

[4] See SR letter 13–13/CA letter 13–10, ''Supervisory Considerations for the Communication of Supervisory Findings,'' at *https://www.federalreserve.gov/supervisionreg/srletters/sr1313.htm.*

[5] Independent risk management includes compliance.

[6] The Federal Reserve would make conforming changes to existing examination manuals, examination procedures, and training materials as supervisory expectations evolve over time.

In the first phase of the review, the Board preliminarily identified 27 SR letters for potential elimination or revision, which collectively include more than 170 supervisory expectations for holding company boards. These SR letters are listed in Table A, ''SR letters in Which Guidance on the Roles and Responsibilities for Boards of Directors of Holding Companies Would Be Rescinded or Revised.'' For SR letters on this list that have other supervisory expectations unrelated to boards of directors that remain relevant, only the specific portions of the guidance relating to boards of directors would be revised, and the other portions of the letter would generally be left unchanged. SR letters which are outdated or no longer relevant would be rescinded in their entirety.

Existing supervisory expectations would be eliminated or revised for (1) domestic bank and savings and loan holding companies (including insurance and commercial savings and loan holding companies) with total consolidated assets of $50 billion or more (''larger firms'') and (2) domestic bank and savings and loan holding companies (including insurance and commercial savings and loan holding companies) with total consolidated assets of less than $50 billion (''smaller firms''). For larger firms, supervisory expectations for boards would be revised to align with the attributes of effective boards outlined in the proposed BE guidance. For smaller firms, supervisory expectations would be revised to align with the supervisory expectations set forth in SR letter 16–11, ''Supervisory Guidance for Assessing Risk Management at Supervised Institutions with Total Consolidated Assets Less than $50 Billion'' (SR 16–11), which applies to all Federal Reserve-supervised institutions with total consolidated assets of less than $50 billion. SR 16–11 includes the Federal Reserve's supervisory expectations for the roles and responsibilities of the board of directors for an institution's risk management, such as approving the institution's overall business strategies and significant policies; understanding the risks the institution faces and having access to information to identify the size and significance of the risks; providing guidance regarding the level of acceptable risk exposures to the institution; and overseeing senior management's implementation of the board-approved business strategies and risk limits.

SR letters could be revised in several ways, including deleting portions of an SR letter that would include duplicative expectations to those contained in the proposed BE guidance or SR 16–11, or which otherwise are no longer relevant; modifying specific portions of an SR letter to more clearly delineate the roles and responsibilities of boards from those of senior management; or making general adjustments to an SR letter so that it is aligned and consistent with the proposed BE guidance or SR 16–11. For example, when an existing supervisory expectation ascribes the same roles and responsibilities to both the ''board and senior management,'' the Board would, in most cases, revise that expectation to refer only to senior management.

Although it represents only the first portion of its review, the Board believes the proposal would result in several changes in supervisory expectations for holding company boards of directors. For instance:

- Replacing the original guidance with SR 13–13 would clarify a board's roles and responsibilities in the supervisory process and more efficiently allocate its time and resources;
- Revising supervisory expectations for boards included in existing SR letters such as SR letter 00–9, ''Supervisory Guidance on Equity Investment and Merchant Banking Activities,'' would eliminate expectations on boards relating to managing a firm's day-to-day operations, a role which is better suited to senior management;
- Revising supervisory guidance which does not clearly distinguish a board's roles and responsibilities from those of senior management would eliminate uncertainty, which can lead to boards unnecessarily addressing matters that are better suited for senior management, and would support the board's core responsibility of holding senior management accountable;
- Emphasizing their responsibility to review and approve only significant firm-wide policies would reduce the need for boards to devote significant amounts of time considering policies of lesser importance; and
- Eliminating redundant, unnecessary, and outdated supervisory expectations would provide more flexibility to adopt effective governance practices.

TABLE A—SR LETTERS IN WHICH GUIDANCE ON THE ROLES AND RESPONSIBILITIES FOR BOARDS OF DIRECTORS OF HOLDING COMPANIES WOULD BE RESCINDED OR REVISED

SR/CA letter No.	Title	Would expectations for boards of directors of holding companies with $50 billion or more in total consolidated assets be rescinded or revised?	Would expectations for boards of directors of holding companies with less than $50 billion in total consolidated assets be rescinded or revised?
SR 16–17	Supervisory Expectations for Risk Management of Reserve-Based Energy Lending Risk.	Yes	N/A. [1]
SR 14–8	Consolidated Recovery Planning for Certain Large Domestic Bank Holding Companies	Yes	N/A. [2]
SR 13–19/CA 13–21.	Guidance on Managing Outsourcing Risk	Yes	Yes.
SR 13–13/CA 13–10.	Supervisory Considerations for the Communication of Supervisory Findings	Yes	Yes.
SR 12–17/CA 12–14.	Consolidated Supervision Framework for Large Institutions	Yes	N/A. [2]

TABLE A—SR LETTERS IN WHICH GUIDANCE ON THE ROLES AND RESPONSIBILITIES FOR BOARDS OF DIRECTORS OF HOLDING COMPANIES WOULD BE RESCINDED OR REVISED—Continued

SR/CA letter No.	Title	Would expectations for boards of directors of holding companies with $50 billion or more in total consolidated assets be rescinded or revised?	Would expectations for boards of directors of holding companies with less than $50 billion in total consolidated assets be rescinded or revised?
SR 11–15	Disposal of Problem Assets through Exchanges	Yes	Yes.
SR 11–14	Supervisory Expectations for Risk Management of Agricultural Credit Risk	Yes	Yes.
SR 09–4	Applying Supervisory Guidance and Regulations on the Payment of Dividends, Stock Redemptions, and Stock Purchases at BHCs.	N/A [3]	Yes.
SR 08–9/CA 08–12	Consolidated Supervision of Bank Holding Companies and the Combined U.S. Operations of Foreign Banking Organization.	N/A [3]	Yes.
SR 08–8/CA 08–11	Compliance Risk Management Programs and Oversight at Large Banking Organizations with Complex Compliance Profiles.	Yes	N/A. [2]
SR 01–13	Supervisory guidance relating to a change to permissible securities activities of state member banks.	Yes	Yes.
SR 01–8	Supervisory Guidance on Complex Wholesale Borrowings	Yes	Yes.
SR 00–9	Supervisory Guidance on Equity Investment and Merchant Banking Activities	Yes	Yes.
SR 99–7	Supervisory Guidance Regarding the Investment of Fiduciary Assets in Mutual Funds and Potential Conflicts of Interest.	Yes	Yes.
SR 98–25	Sound Credit Risk Management and the Use of Internal Credit Risk Ratings at Large Banking Organizations.	Yes	Yes.
SR 98–18	Lending Standards for Commercial Loans	Yes	Yes.
SR 98–9	Assessment of Information Technology in the Risk-Focused Frameworks for the Supervision of Community Banks and Large Complex Banking Organizations.	Yes	Yes.
SR 97–25	Risk-Focused Framework for the Supervision of Community Banks	N/A [4]	Yes.
SR 97–24	Risk-Focused Framework for Supervision of Large Complex Institutions	Yes	Yes.
SR 97–21	Risk Management and Capital Adequacy of Exposures Arising from Secondary Market Credit Activities.	Yes	Yes.
SR 97–3	Conversion of Common Trust Funds to Mutual Funds	Yes	Yes.
SR 96–10	Risk-Focused Fiduciary Examinations	Yes	Yes.
SR 95–51	Rating the Adequacy of Risk Management Processes and Internal Controls at State Member Banks and Bank Holding Companies.	Yes	N/A. [5]
SR 94–53	Investment Adviser Activities	Yes	Yes.
SR 93–69	Examining Risk Management and Internal Controls for Trading Activities of Banking Organizations.	Yes	Yes.
SR 90–22	Policy Statement on the Use of ''Points'' in settling foreign exchange contracts	Yes	Yes.
SR 90–16	Implementation of Examination Guidelines for the Review of Asset Securitization Activities.	Yes	Yes.

[1] Prior to the issuance of SR 16–17, expectations for boards at domestic bank holding companies and savings and loan holding companies (including insurance and commercial savings and loan holding companies) with less than $50 billion in total consolidated assets contained therein were aligned with expectations for boards in SR 16–11.

[2] SR 14–8, SR/CA 12–17/12–14, and SR/CA 08–8/08–11 are not applicable to domestic bank holding companies and savings and loan holding companies (including insurance and commercial savings and loan holding companies) with less than $50 billion in total consolidated assets.

[3] For domestic bank holding companies and savings and loan holding companies (including insurance and commercial savings and loan holding companies) with $50 billion or more in total consolidated assets, SR 09–4 and SR/CA 08–9/08–12 have been superseded by SR 15–18 and SR 15–19 and SR 12–17/CA 12–14, respectively.

[4] SR 97–25 is not applicable to domestic bank holding companies with $50 billion or more in total consolidated assets.

[5] For domestic bank holding companies with less than $50 billion in total consolidated assets, SR 95–51 has been superseded by SR 16–11.

III. Revising SR Letter 13–13/CA 13–10, ''Supervisory Considerations for the Communication of Supervisory Findings''

The Board is also proposing to clarify expectations regarding the communication of supervisory findings set forth in SR letter 13–13/CA letter 13–10, ''Supervisory Considerations for the Communication of Supervisory Findings.'' SR 13–13 currently establishes an expectation that all supervisory findings, referred to as Matters Requiring Immediate Attention (MRIAs) and Matters Requiring Attention (MRAs), would be presented to the board of directors so that the board may ensure that senior management devotes appropriate attention to addressing these matters. This approach has in many cases led boards of directors to believe they should become directly involved in addressing the MRIA or MRA.

The proposed guidance, like the existing guidance, would apply to all Federal Reserve-supervised institutions,[7] and would clarify the

[7] ''Federal Reserve-supervised institutions'' includes bank holding companies, savings and loan holding companies, state member banks, U.S. branches and agencies of foreign banking

process that Federal Reserve examiners and supervisory staff should follow in communicating supervisory findings to an institution's board of directors and senior management. The proposed guidance would indicate that Federal Reserve examiners and supervisory staff would direct most MRIAs and MRAs to senior management for corrective action. MRIAs or MRAs would only be directed to the board for corrective action when the board needs to address its corporate governance responsibilities or when senior management fails to take appropriate remedial action. Boards of directors would remain responsible for holding senior management accountable for remediating supervisory findings.

Request for Comments

The Board invites comment on all aspects of the proposal, including responses to the following questions:

(1) The Federal Reserve is considering applying the proposed BE guidance to U.S. intermediate holding companies of foreign banking organizations. How should the proposed BE guidance and refocusing of existing supervisory guidance be adapted to apply to boards of the U.S. intermediate holding companies of foreign banking organizations and state member banks?

(2) What other attributes of effective boards should the Board assess?

(3) Should boards of firms subject to the proposed BE guidance be required to perform a self-assessment of their effectiveness and provide the results of that self-assessment to the Board? If so, what requirements should apply to how the board performs the self-assessment? Should such self-assessments be used as the primary basis for supervisory evaluations of board effectiveness?

(4) Would any parts of this proposal conflict with effective governance of insurance and commercial savings and loan holding companies? If so, what adjustments to the proposal would be warranted?

(5) Is the proposed guidance on the communication of supervisory findings clear with respect to the division of responsibilities between the board and senior management?

(6) What Federal Reserve supervisory expectations for boards are not included in Table A, yet interfere with a board's ability to focus on its core responsibilities and should be included in the proposal? Should such expectations be rescinded or revised? If revised, how?

organizations, and systemically important nonbank financial companies designated by FSOC for supervision by the Federal Reserve.

III. Administrative Law Matters

A. Paperwork Reduction Act Analysis

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) (PRA), the Federal Reserve may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. The Federal Reserve reviewed the proposed supervisory guidance under the authority delegated to the Federal Reserve by OMB.

The proposed supervisory guidance contains a collection of information subject to the PRA. The reporting requirement is found in the proposed BE guidance. The proposed BE guidance provides that a board of directors may provide to supervisors a self-assessment of its effectiveness, which the Federal Reserve would take into consideration in its evaluation of the effectiveness of the board of directors. The Federal Reserve is not prescribing how such a self-assessment should be conducted or documented. This information would assist supervisors in evaluating board effectiveness.

Comments are invited on:

a. Whether the collections of information are necessary for the proper performance of the Federal Reserve's functions, including whether the information has practical utility;

b. The accuracy or the estimate of the burden of the information collections, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

All comments will become a matter of public record. Comments on aspects of this notice that may affect reporting, recordkeeping, or disclosure requirements and burden estimates should be sent to: Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. A copy of the comments may also be submitted to the OMB desk officer by mail to U.S. Office of Management and Budget, 725 17th Street NW., #10235, Washington, DC 20503 or by facsimile to (202) 395–5806, Attention, Agency Desk Officer.

Report title: Board Effectiveness Guidance.

Agency form number: FR 4204.

OMB control number: 7100–NEW.

Frequency: Annual.

Respondents: Domestic bank and savings and loan holding companies with total consolidated assets of $50 billion or more (excluding intermediate holding companies of foreign banking organizations established pursuant to the Federal Reserve's Regulation YY), and systemically important nonbank financial companies designated by the Financial Stability Oversight Council for supervision by the Federal Reserve.

Legal authorization and confidentiality: This information collection is voluntary, and allows the board of directors of an affected financial institution to submit to Federal Reserve supervisors a self-assessment of its effectiveness, which supervisors would take into consideration in their evaluation of the effectiveness of the board of directors. The Board has determined that the collection of information is authorized by section 5(c) of the Bank Holding Company Act (12 U.S.C. 1844(c)); section 10(b) of the Homeowners' Loan Act (12 U.S.C. 1467a(b)(4), section 113 of the Dodd-Frank Act (12 U.S.C. 5323). The information contained in the self-assessment would be considered confidential pursuant to exemption 8 of FOIA (5 U.S.C. 552(b)(8)), as it relates to examination reports prepared by supervisors.

Estimated number of respondents: 40.

Estimated average time per respondent: 1,000 hours for initial implementation, 800 hours for subsequent years. This has been calculated based on an estimate of five (5) individuals each working for four (4) weeks to prepare this information collection.

Estimated total annual burden hours: 40,000 hours for initial implementation; 32,000 hours for subsequent years.

Regulatory Flexibility Analysis

B. Regulatory Flexibility Act

The Federal Reserve is providing an initial regulatory flexibility analysis with respect to this proposal. While the proposal is not being adopted as a rule, the Federal Reserve has considered the potential impact of the proposal on small banking organizations using considerations that would apply if the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (RFA) were applicable. For the reason discussed in the **SUPPLEMENTARY INFORMATION** section above, the proposal is intended to refocus the Federal Reserve's supervisory expectations for

boards of directors on their core responsibilities. The proposal should not increase, and in fact may slightly reduce, the amount of burden imposed on small banking organizations.

Under regulations issued by the Small Business Administration, a small banking organization includes a depository institution, bank holding company, or savings and loan holding company with total assets of $550 million or less, as measured by the institution's average assets reported on its four quarterly financial statements for the preceding year (collectively, small banking organizations).[8] It is estimated that as of June 1, 2017, there are 3,539 small banking organizations that would be subject to this proposal.

If adopted in final form, only certain sections of the proposal would apply to small banking organizations, and the Federal Reserve believes that the proposal would not impose any new burden on small banking organizations. The proposed BE guidance would not apply to or impact small banking organizations as it is intended for the largest financial institutions and would only apply to domestic depository institution holding companies with total consolidated assets of $50 billion or more. The rescission and revision of existing SR letters would not increase, and in fact may reduce, the amount of burden on small bank holding companies and savings and loan holding companies with $550 million or less in total consolidated assets. This is because the proposed rescission and revision would reduce the overall number of supervisory expectations to which their boards are subject, including reporting, recordkeeping, and other compliance requirements associated with these expectations. Finally, the proposed guidance concerning the communication of supervisory findings, which would also apply to financial institutions supervised by the Federal Reserve including small banking organizations, would not increase the amount of burden on small banking organizations because it clarifies the process for communicating supervisory findings to an institution's board of directors and senior management.

There are no significant alternatives to the proposal that would have less economic impact on small banking organizations, and as noted above, the proposal would not increase the amount of burden on small banking organizations, and may result in a slight reduction in burden. As discussed above, the projected reporting, recordkeeping, and other compliance requirements of the proposal will not increase burden on small banking organizations. The Federal Reserve does not believe that the proposal duplicates, overlaps, or conflicts with any Federal rules. In light of the foregoing, the Federal Reserve does not believe that the proposal, if adopted in final form, would have a significant economic impact on a substantial number of small entities. Nonetheless, the Board seeks comment on whether the proposal would impose undue burdens on, or have unintended consequences for, small entities, and whether there are ways such potential burdens or consequences could be minimized in a manner consistent with the purpose of the proposal. A final regulatory flexibility analysis will be conducted after consideration of comments received during the public comment period.

Text for the Proposed Supervisory Guidance on Board of Directors' Effectiveness for Domestic Bank and Savings and Loan Holding Companies With Total Consolidated Assets of $50 Billion or More (Excluding Intermediate Holding Companies of Foreign Banking Organizations Established Pursuant to the Federal Reserve's Regulation YY), and Systemically Important Nonbank Financial Companies Designated by the Financial Stability Oversight Council for Supervision by the Federal Reserve

The Federal Reserve is issuing this letter to provide additional guidance on key attributes of effective boards of directors (also referred to as a firm's ''board'').[9] An effective board of directors is central to maintaining the safety and soundness and continued resiliency of a firm's consolidated operations.[10]

In developing this guidance, the Federal Reserve considered other statutory and regulatory authorities which impose requirements and expectations concerning the roles, responsibilities, and expectations of a firm's board of directors. For example, the Federal Reserve reviewed applicable Delaware law,[11] rules promulgated by the U.S. Securities and Exchange Commission (''SEC''), and listing requirements implemented by the New York Stock Exchange (''NYSE'') and the NASDAQ Stock Market (''NASDAQ''). This proposal does not supersede or replace any applicable legal, regulatory, or listing requirements to which firms may currently be subject in the United States, and nothing herein is believed to conflict with such requirements.

In assessing board effectiveness, supervisors rely on various sources of information, including firm-provided materials and examinations. A board of directors also may provide to supervisors a self-assessment of its effectiveness, for example, relative to the five attributes, which the Federal Reserve would take into consideration in its evaluation. The Federal Reserve is not prescribing how such a self-assessment should be conducted or documented.

Attributes of Effective Boards of Directors

A board is most effective when directors focus on establishing a firm-wide corporate strategy and setting the types and levels of risk it is willing to take (also referred to as risk tolerance), making certain that senior management effectively carries out that strategy within the established risk tolerances, and holding management accountable for its actions, including effective risk management and compliance. This guidance focuses on five key attributes of an effective board rather than on process-oriented supervisory expectations that do not directly relate to the board's core responsibilities.

A. Set Clear, Aligned, and Consistent Direction

An effective board of directors guides the development of and approves the firm's strategy and sets the types and levels of risk it is willing to take. The strategy and tolerance of risk should be clear and aligned, and should also include a long-term perspective on risks and rewards that is consistent with the capacity of the firm's risk management framework.

A clear strategy includes sufficient detail to enable senior management [12] to identify the firm's strategic objectives; to create an effective management structure, implementation strategies, plans and budgets for each business line; [13] and to establish effective audit, compliance and risk management and control functions. A clear strategy also allows senior management to discern which opportunities the firm should pursue or avoid and determine the resources and controls necessary to implement the strategy.

A clear risk tolerance includes sufficient detail to enable the firm's Chief Risk Officer (CRO) and its independent risk management function [14] to set firm-wide risk limits.[15] Risk

[8] *See* 13 CFR 121.201. Effective July 14, 2014, the Small Business Administration revised the size standards for banking organizations to $550 million in assets from $500 million in assets. 79 FR 33647 (June 12, 2014).

[9] ''Board'' or ''board of directors'' also refers to committees of the board of directors, as appropriate.

[10] As used here, ''resiliency'' is defined as maintaining effective governance and controls, including effective capital and liquidity governance and planning processes and sufficient capital and liquidity, to provide for the firm's continuity, and promote compliance with laws and regulations, including those related to consumer protection, through a range of conditions.

[11] *See* Del. Code Ann. tit. 8 (2016).

[12] The term ''senior management'' refers to the core group of individuals directly accountable to the board of directors for the sound and prudent day-to-day management of the firm.

[13] A ''business line'' is a defined unit or function of a financial institution, including associated operations and support that provides related products or services to meet the firm's business needs and those of its customers.

[14] An ''independent risk management function'' is responsible for identifying, measuring, aggregating, and reporting risks in a comprehensive and independent manner.

[15] The term ''risk limits'' refers to thresholds that constrain risk-taking so that the level and type of

limits should be set in aggregate by concentration and risk type, as well as at more granular levels as appropriate. A clear risk tolerance also allows senior management to establish risk management expectations and monitor risk-taking for the level and types of risks assumed by the firm.

A firm's strategy and risk tolerance are aligned when they are consistent, developed, considered, and approved together. For instance, the firm's strategy should clearly articulate objectives consistent with the firm's risk tolerance, and the risk tolerance should clearly specify the aggregate level and types of risks the board is willing to assume to achieve the firm's strategic objectives.

An effective board considers the capacity of the firm's risk management framework when approving the firm's strategy and risk tolerance. This practice helps ensure that strategic plans are commensurate with the firm's ability to identify and manage its risk. For example, if a strategy calls for expansion into a new line of business or a new jurisdiction, the board should consider the increased level of risk or expanded control requirements for consistency with the risk management framework. The same evaluation could also be conducted on a regular basis to assess growth strategies within current businesses and products.

An effective board assesses whether the firm's significant policies, programs, and plans are consistent with the firm's strategy, risk tolerance, and risk management capacity prior to approving them. Significant policies, programs, and plans include the firm's capital plan,[16] recovery and resolution plans,[17] audit plan,[18] enterprise-wide risk management policies,[19] liquidity risk management policies,[20] compliance risk management program,[21] and incentive compensation and performance management programs. The policies, programs, and plans should contain sufficient clarity and allocation of responsibilities so the board can evaluate whether senior management is executing the firm's strategic plan, as approved by the board.

B. Actively Manage Information Flow and Board Discussions

An effective board of directors actively manages its information flow and its deliberations, so that the board can make sound, well-informed decisions in a manner that meaningfully takes into account risks and opportunities.

For instance, an effective board directs senior management to provide information that is timely and accurate with the appropriate level of detail and context to enable the board to make sound, well-informed decisions. An effective board also has practices and processes in place to evaluate information flows and engage senior management on improvements.

Directors of an effective board may seek information about the firm and its activities, risk profile, talent, and incentives outside routine board and committee meetings, including through special sessions of the board, outreach to staff other than the Chief Executive Officer (CEO) and his or her direct reports, discussions with senior supervisors, and training on specialized topics.

Directors of an effective board take an active role in setting board meeting agendas such that the content, organization, and time allocated to each topic allows the board to discuss strategic tradeoffs and to make sound, well-informed decisions. For example, the agenda is set such that the board has the opportunity to discuss a plan to strategically grow a new business simultaneously, or in connection, with a discussion of risk management capabilities of the new business and of internal audit's perspective on relevant controls.

C. Hold Senior Management Accountable

An effective board of directors holds senior management accountable for implementing the firm's strategy and risk tolerance and maintaining the firm's risk management and control framework. An effective board of directors also evaluates the performance and compensation of senior management.

To facilitate accountability, an effective board actively engages senior management. For instance, in board meetings, active engagement may be supported by structuring sufficient time to facilitate frank discussion and debate of information presented, encouraging diverse views, considering whether and how senior management's assessments and recommendations support the approved strategy and risk tolerance, challenging senior management's assessments and recommendations when warranted, and identifying potential gaps or weaknesses in senior management's assessments and recommendations.

An effective board engages in robust and active inquiry into, among other things, drivers, indicators, and trends related to current and emerging risks; adherence to the board-approved strategy and risk tolerance for relevant lines of business; material or persistent deficiencies in risk management and control practices; and the development and implementation of performance management and compensation programs that encourage prudent risk-taking behaviors and business practices, which emphasize the importance of compliance with laws and regulations, including consumer protection.[22]

An effective board has independent directors who are sufficiently empowered to serve as a check on senior management. For example, such empowerment may derive from the election of a lead independent director with the authority to set agendas of board meetings or to call board meetings with or without the CEO and board chairman present.

An effective board establishes and approves clear financial and nonfinancial performance objectives for the CEO, CRO, and Chief Audit Executive (CAE), and, as appropriate, for other members of senior management. These performance objectives are aligned with the firm's strategy and risk tolerance. In addition, each member of senior management's total compensation should be informed by the board's evaluation of the individual's performance against the performance objectives. Performance objectives enable the board to hold senior management accountable.

An effective board approves and periodically reassesses succession plans for the CEO, and as needed, the CRO and CAE.[23] Succession plans for other members of senior management, such as the chief financial officer (CFO), may be warranted.

D. Support the Independence and Stature of Independent Risk Management and Internal Audit

An effective board of directors, through its risk and audit committees, supports the stature and independence of the firm's independent risk management and internal audit functions. Active engagement by directors on the board's risk committee[24] and audit committee[25] entails a director's inquiry

risks assumed remains aligned with the firm-wide risk tolerance.

[16] 12 CFR 225.8(e)(iii); 12 CFR 252.47(a); SR letter 15–19, ''Federal Reserve Supervisory Assessment of Capital Planning and Positions for Large and Noncomplex Firms;'' SR letter 15–18, ''Federal Reserve Supervisory Assessment of Capital Planning and Positions for LISCC Firms and Large and Complex Firms;'' and Federal Reserve paper on *Capital Planning at Large Bank Holding Companies: Supervisory Expectations and Range of Current Practice* (Federal Reserve Board press release issued on August 19, 2013).

[17] 12 CFR part 243; SR letter 14–8, ''Consolidated Recovery Planning for Certain Large Domestic Bank Holding Companies;'' and SR letter 14–1, ''Heightened Supervisory Expectations for Recovery and Resolution Preparedness for Certain Large Bank Holding Companies—Supplemental Guidance on Consolidated Supervision Framework for Large Financial Institutions (SR letter 12–17/CA letter 12–14).''

[18] SR letter 13–1/CA letter 13–1, ''Supplemental Policy Statement on the Internal Audit Function and Its Outsourcing,'' and SR letter 03–5, ''Amended Interagency Guidance on the Internal Audit Function and its Outsourcing.''

[19] 12 CFR 252.33.

[20] 12 CFR 252.34(a).

[21] SR letter 08–8/CA letter 08–11, ''Compliance Risk Management Programs and Oversight at Large Banking Organizations with Complex Compliance Profiles.''

[22] Hereinafter, when reference is made to ''compliance with laws and regulations'' in this guidance, this includes laws and regulations related to banking and consumer protection.

[23] This may extend beyond requirements to which firms may be subject under other statutory and regulatory authorities. For example, the NYSE requires formalized succession planning for the CEO only. *See* NYSE Listed Company Manual, section 303A.09.

[24] The risk committee is responsible for the firm's global risk management policies and oversight of the firm's global risk management framework. Bank holding companies with $50 billion or more in total consolidated assets must maintain a risk committee pursuant to the enhanced prudential standards in the Board's Regulation YY. 12 CFR 252.33(a). Nonbank financial companies supervised by the Federal Reserve are required to establish a risk committee pursuant to section 165 of the Dodd-Frank Act. 12 U.S.C. 5365(h)(1). SLHCs subject to this guidance should maintain a risk committee which meets the supervisory expectations discussed herein in order to enhance its safety and soundness.

[25] *See* SR letter 13–1/CA letter 13–1. Firms that are publicly-traded are subject to the audit committee requirements contained in the U.S. Securities and Exchange Commission's Rule 10A–3 (''Rule 10A–3'') under the Exchange Act of 1934,

Continued

into, among other things, material or persistent breaches of risk appetite and risk limits, timely remediation of material or persistent internal audit and supervisory findings, and the appropriateness of the annual audit plan.

An effective risk committee supports the stature and independence of the independent risk management function, including compliance, by communicating directly with the CRO on material risk management issues; reviewing independent risk management's budget, staffing, and systems; providing independent risk management with direct and unrestricted access to the risk committee; and directing the appropriate inclusion of representatives of the independent risk management function on senior management-level committees; and can effect changes that align with the firm's strategy and risk tolerance after reviewing the risk management framework relative to the firm's structure, risk profile, complexity, activities, and size.[26]

An effective audit committee supports the stature and independence of internal audit by meeting directly with the CAE regarding the internal audit function, organizational concerns, and industry concerns; supporting internal audit's budget, staffing, and system relative to the firm's asset size and complexity and the pace of technological and other changes; and reviewing the status of actions recommended by internal audit and external auditors to remediate and resolve material or persistent deficiencies identified by internal audit and findings identified by supervisors.

An effective board can identify specific instances or decisions where the independence and stature—or lack thereof—of the independent risk management and internal audit have materially impacted business deliberations, decisions, practices, and/or the firm's strategy.

E. Maintain a Capable Board Composition and Governance Structure

An effective board has a composition, governance structure, and established practices that support governing the firm in light of its asset size, complexity, scope of operations, risk profile, and other changes that occur over time.

An effective board is composed of directors with a diversity of skills, knowledge, experience, and perspectives. To support a diverse composition, an effective board establishes a process for identifying and selecting director nominees which would consider, for example, a potential nominee's expertise, availability, integrity, and potential conflicts of interest.

An effective board has a governance structure, for example, committees and management-to-committee reporting lines, which is capable of overseeing and addressing issues arising from the firm's asset size, scope of operations, activities, risk profile, and resolvability. An effective board also has the capacity to engage third-party advisors and consultants, when appropriate, in order to supplement the board's knowledge, expertise, and experience, and to support the board in making sound, well-informed decisions.

An effective board assesses its strengths and weaknesses, including the performance of the board committees, particularly the risk, audit, and other key committees. An effective board adapts its structure and practices to address identified weaknesses or deficiencies, and as the firm's asset size, scope of operations, risk profile, and other characteristics change over time.

Text for the Proposed Guidance on the Communication of Supervisory Findings

In response to questions from supervised institutions, the Federal Reserve is issuing this revised guidance [27] to clarify supervisory communications to institutions concerning examination and inspection findings requiring corrective actions.[28] This guidance explains the process that Federal Reserve examiners and supervisory staff will follow in communicating supervisory findings to an institution's board of directors and senior management. This revised guidance, like the existing guidance, would apply to all Federal Reserve-supervised institutions.[29] In general, Federal Reserve examiners and supervisory staff will direct most supervisory findings to senior management for corrective action.

These supervisory findings are referred to as *Matters Requiring Immediate Attention* (MRIAs) and *Matters Requiring Attention* (MRAs) that are included in examination and inspection reports, targeted and horizontal reviews, or any other supervisory communication that Federal Reserve examiners and supervisory staff send to a supervised institution. The key distinction between MRIAs and MRAs is the nature and severity of supervisory findings requiring corrective action, as well as the immediacy with which a supervised institution must take corrective actions or mitigate the risk with compensating controls.

Matters Requiring Immediate Attention

MRIAs arising from an examination, inspection, or any other supervisory activity are matters of significant importance and urgency that the Federal Reserve requires a supervised institution to address immediately and include: (1) Matters that have the potential to pose significant risk to the safety and soundness of the institution; (2) matters that represent significant noncompliance with applicable laws or regulations; (3) repeat criticisms that have escalated in importance due to insufficient attention or inaction by the institution; and (4) matters that have the potential to cause significant consumer harm. An MRIA will remain an open issue until resolution by the institution and written confirmation from examiners to the institution that the corrective action resolves the matter.

The expected timeframe for a supervised institution to take corrective action or mitigate the risk with compensating controls for MRIAs is generally shorter than for MRAs, and may be ''immediate,'' in the case of heightened safety-and-soundness or consumer compliance risk. For MRIAs that are necessary to preserve or restore the viability of an institution, the timeframe will take into account any potential for losses to the Federal Deposit Insurance Corporation's Deposit Insurance Fund, including the possibility that a delay in action will increase the potential for loss or the cost of resolution.

Matters Requiring Attention (MRAs)

MRAs constitute matters that are important and that the Federal Reserve is expecting a supervised institution to address over a reasonable period of time, but the timing need not be ''immediate.'' While issues giving rise to MRAs must be addressed to ensure the institution operates in a safe-and-sound and compliant manner, the threat to safety and soundness is less immediate than with issues giving rise to MRIAs. Likewise, consumer compliance concerns that require less immediate resolution are communicated as an MRA. An MRA typically will remain an open issue until resolution by the institution and written confirmation from examiners to the institution that the corrective action resolves the matter. If an institution does not adequately address an MRA in a timely manner, examiners may elevate an MRA to an MRIA. Similarly, a change in circumstances, environment, or strategy can also lead to an MRA becoming an MRIA.

Communications and Corrective Actions

Federal Reserve examiners and supervisory staff communicate MRIAs and MRAs in writing, for instance through examination or inspection reports. Because senior management is responsible for the institution's day-to-day operations, Federal Reserve examiners and supervisory staff would typically direct senior management to take corrective action to address MRIAs and MRAs. Whereas, as the institution's board of directors is still responsible for establishing policies that direct senior management how to manage the MRIAs and MRAs and when to escalate them to the board, it follows that it will be the responsibility of senior management to keep the institution's board of directors apprised of its progress and efforts to remediate MRIAs and MRAs consistent with these escalation policies.

Federal Reserve examiners and supervisory staff are expected to provide sufficient clarity in the MRIA or MRA for senior management to understand supervisory expectations for corrective action and the timeline for taking such action. Highly technical subcomponents of recommendations may be provided to management separately from the examination or inspection report (for example, listing of

in addition to any requirements imposed by the applicable stock exchange on which the firm is listed. *See, for example,* NYSE Listed Company Manual, sections 303A.06 and 303A.07, and NASDAQ Stock Market Rules, section 5605(c).

[26] *See,* for example, 12 CFR 252.33(a)(3).

[27] With the issuance of this SR/CA letter, SR letter 13–13/CA letter 13–10, ''Supervisory Considerations for the Communication of Supervisory Findings,'' is superseded.

[28] Nothing in this letter is intended to limit in any way the legal and regulatory responsibilities of an institution's board of directors to oversee the institution.

[29] Federal Reserve-supervised institutions includes bank holding companies, savings and loan holding companies, state member banks, U.S. branches and agencies of foreign banking organizations, and systemically important nonbank financial companies designated by FSOC for supervision by the Federal Reserve.

specific cases in which a banking organization's transactions were completed outside of policy requirements or a listing of specific deficiencies in technical modelling practices or data management requirements), but this would be noted within the MRIA or MRA in the examination or inspection report. Communications to supervised institutions about MRIAs and MRAs would specify a timeframe within which the corrective action is expected to be completed. The timeframe, at least initially, may require estimation because the institution may first need to complete preliminary planning to establish the timeframe for initiating and completing the corrective action. The timeframes for MRAs are likely to become more precise over time as planning evolves and circumstances make the completion of the MRAs more urgent.

Matters Referred to the Board of Directors

Where significant weaknesses in an institution's board governance structure and practices are identified, Federal Reserve examiners and supervisory staff would direct such matters to the institution's board for corrective action in the first instance.[30] Such weaknesses could include instances where the board does not provide effective oversight of senior management or fails to hold senior management accountable for fulfilling its responsibilities.

In addition, when senior management fails to take or ensure appropriate action is taken to correct material deficiencies or weaknesses, Federal Reserve examiners and supervisory staff would escalate such matters to an institution's board of directors or an executive-level committee of the board.[31]

* * * * *

By order of the Board of Governors of the Federal Reserve System, August 3, 2017.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2017–16735 Filed 8–8–17; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice, request for comment.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) invites comment on a proposal to implement the voluntary Survey of Household Economics and Decisionmaking (FR 3077; OMB No. 7100–NEW). On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. In exercising this delegated authority, the Board is directed to take every reasonable step to solicit comment. In determining whether to approve a collection of information, the Board will consider all comments received from the public and other agencies.

DATES: Comments must be submitted on or before October 10, 2017.

ADDRESSES: You may submit comments, identified by *FR 3077,* by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include OMB number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Ann E. Misback, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *http://www.federalreserve.gov/apps/foia/proposedregs.aspx* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper form in Room 3515, 1801 K Street (between 18th and 19th Streets NW.,) Washington, DC 20006 between 9:00 a.m. and 5:00 p.m. on weekdays.

Additionally, commenters may send a copy of their comments to the OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503 or by fax to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of the PRA OMB submission, including the proposed reporting form and instructions, supporting statement, and other documentation will be placed into OMB's public docket files, once approved. These documents will also be made available on the Federal Reserve Board's public Web site at: *http://www.federalreserve.gov/apps/reportforms/review.aspx* or may be requested from the agency clearance officer, whose name appears below.

Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC, 20551.

SUPPLEMENTARY INFORMATION:

Request for Comment on Information Collection Proposal

The Board invites public comment on the following information collection, which is being reviewed under authority delegated by the OMB under the PRA. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected;

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

e. Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the Federal Reserve should modify the proposed revisions prior to giving final approval.

Proposal To Approve Under OMB Delegated Authority the Implementation of the Following Report

Report title: Survey of Household Economics and Decisionmaking.

Agency form number: FR 3077.

[30] For foreign banking organizations (FBOs) that do not have a U.S. domiciled board of directors, Federal Reserve examiners and supervisory staff would generally direct the supervisory finding to the senior U.S. manager responsible for the FBO's U.S. operations. However, examiners have the discretion to direct to the FBO's global board of directors those supervisory findings that concern weaknesses in the FBO's governance structure over its U.S. operations or to address excessive risks in its U.S. business strategies that have or may have negative ramifications to safety and soundness.

[31] Escalation of a matter to the board of directors or an executive-level committee of the board is not a precondition to the Federal Reserve System's initiation of an enforcement action against the institution or its directors for failure to address an MRIA or MRA.

OMB control number: 7100–NEW.

Frequency: Quantitative Survey, annually; Qualitative Survey, occasionally.

Respondents: Consumers.

Estimated number of respondents: Quantitative Survey, 17,000 respondents; Qualitative Survey, 30 respondents.

Estimated average hours per response: Quantitative Survey, 0.47 hours; Qualitative Survey, 2 hours.

Estimated annual burden hours: Quantitative Survey, 7,990 hours; Qualitative Survey, 180 hours.

General description of report: The information collected could be used for the Board's *Report on the Economic Well-Being of U.S. Households,* for Board studies or working papers, professional journals, the *Federal Reserve Bulletin,* testimony and reports to the Congress, or other vehicles. Such event-driven consumer data collections could also be used to inform Board policy, regulatory, supervisory and operational decisions.

The Board anticipates that the SHED would include such topics as individuals' overall financial well-being, employment experiences, income and savings behaviors, economic preparedness, access to banking and credit, housing and living arrangement decisions, education and human capital, student loans, and retirement planning. The overall content of the SHED instrument would depend on changing economic, regulatory, or legislative developments as well as changes in the financial services industry.

Legal authorization and confidentiality: The Board's Legal Division has determined that Section 2A of the Federal Reserve Act (FRA) requires that the Federal Reserve Board and the Federal Open Market Committee maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long-term interest rates (12 U.S.C. 225a). Under section 12A of the FRA, the Federal Open Market Committee is required to implement regulations relating to the open market operations conducted by Federal Reserve Banks with a view to accommodating commerce and business and with regard to their bearing upon the general credit situation of the country (12 U.S.C. 263). Because the Board and the Federal Open Market Committee use the information obtained on the FR 3077 to fulfill these obligations, these statutory provisions provide the legal authorization for the collection of information on the FR 3077. The FR 3077 is a voluntary survey.

The ability of the Board to maintain the confidentiality of information provided by respondents to the FR 3077 will have to be determined on a case-by-case basis depending on the type of information provided for a particular survey. To the extent that a respondent's answers reveal information ''the disclosure of which would constitute a clearly unwarranted invasion of personal privacy,'' such information would likely be exempt from disclosure under exemption 6 of the Freedom of Information Act, (5 U.S.C. 552(b)(6)).

Consultation outside the agency: The Board will consult with outside subject matter experts for specific questions, as needed.

Board of Governors of the Federal Reserve System, August 4, 2017.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2017–16773 Filed 8–8–17; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2017–0068, NIOSH–299]

Draft National Occupational Research Agenda for Cancer, Reproductive, Cardiovascular and Other Chronic Disease Prevention

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Request for comments.

SUMMARY: As steward of the National Occupational Research Agenda (NORA), the National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention announces the availability of the draft National Occupational Research Agenda for Cancer, Reproductive, Cardiovascular and Other Chronic Disease Prevention Agenda for public comment. Written by the NORA Cancer, Reproductive, Cardiovascular and Other Chronic Disease Prevention Cross-Sector Council, the Agenda identifies the most important occupational safety and health research needs for the next decade, 2016–2026. A copy of the draft Agenda is available at *http://www.regulations.gov* (search Docket Number CDC–2017–0068).

DATES: Electronic or written comments must be received by October 10, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2017–0068 and docket number NIOSH–299, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* National Institute for Occupational Safety and Health, NIOSH Docket Office, 1090 Tusculum Avenue, MS C–34, Cincinnati, Ohio 45226–1998.

Instructions: All submissions received must include the agency name and Docket Number [CDC–2017–0068; NIOSH–299]. All relevant comments received will be posted without change to *http://regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Emily Novicki (*NORACoordinator@cdc.gov*), National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, Mailstop E–20, 1600 Clifton Road NE., Atlanta, GA 30329.

SUPPLEMENTARY INFORMATION: The National Occupational Research Agenda (NORA) is a partnership program created to stimulate innovative research and improved workplace practices. The national agenda is developed and implemented through the NORA sector and cross-sector councils. Each council develops and maintains an agenda for its sector or cross-sector. The National Occupational Research Agenda for Cancer, Reproductive, Cardiovascular and other Chronic Disease Prevention (CRC) is intended to identify the research, information, and actions most urgently needed to prevent occupational cancer, adverse reproductive outcomes and cardiovascular disease. The National Occupational Research Agenda for CRC provides a vehicle for industry stakeholders to describe the most relevant issues, gaps, and safety and health needs for the sector. It is meant to be broader than any one agency or organization. It is a strategic plan for the entire country and all of its research and development entities, whether government, higher education, or industry.

This is the first CRC Agenda, developed for the third decade of NORA (2016–2026). The agenda was developed considering new information about injuries and illnesses, the state of the science, and the probability that new information and approaches will make a difference.

As the steward of the NORA process, NIOSH invites comments on the draft National Occupational Research Agenda for CRC. A copy of the draft Agenda is available at *http://www.regulations.gov* (see Docket Number CDC–2017–0068, NIOSH–299).

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2017–16801 Filed 8–8–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–0829]

Expiration Dating of Unit-Dose Repackaged Solid Oral Dosage Form Drug Products; Revised Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a revised draft guidance for industry entitled ''Expiration Dating of Unit-Dose Repackaged Solid Oral Dosage Form Drug Products.'' The last few decades have seen an increasing demand in various health care settings for solid oral dosage form drug products repackaged into unit-dose containers, which hold a quantity of drug for administration as a single dose. The increase in unit-dose repackaging has led to questions regarding stability studies and appropriate expiration dates for these repackaged products. This revised draft guidance describes the conditions under which FDA does not intend to take action regarding required stability studies for these repackaged products and the expiration date to assign under those conditions. Through this notice, FDA is hoping to decrease the regulatory burdens of drug regulations on manufacturers of these products, while at the same time ensuring patient safety. Since FDA's guidance documents do not bind the public or FDA to any requirements, they have not been considered to be subject to Executive Order 12866.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this revised draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by October 10, 2017.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–D–0829 for ''Expiration Dating of Unit-Dose Repackaged Solid Oral Dosage Form Drug Products.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the revised draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the revised draft guidance document.

FOR FURTHER INFORMATION CONTACT: Bill Harvey, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 4214, Silver Spring, MD 20993–0002, 240–402–4180.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a revised draft guidance for industry

entitled ''Expiration Dating of Unit-Dose Repackaged Solid Oral Dosage Form Drug Products.'' FDA's current good manufacturing practice (CGMP) regulations for finished pharmaceuticals require that each drug product bear an expiration date determined by appropriate stability testing and that the date must be related to any storage conditions stated on the labeling, as determined by stability studies (21 CFR 211.137(a) and (b)). Samples used for stability testing must be in the same container-closure system as that in which the drug product is marketed (21 CFR 211.166(a)(4)). For unit-dose repackaged products, U.S. Pharmacopeial Convention (USP) General Chapter <1178> recommends that the expiration date ''not exceed (1) 6 months from the date of repackaging; or (2) the manufacturer's expiration date; or (3) 25% of the time between the date of repackaging and the expiration date shown on the manufacturer's bulk article container of the drug being repackaged, whichever is earlier.''

For solid oral dosage forms repackaged in unit-dose containers, the revised draft guidance states that FDA does not intend to take action regarding the requirements of §§ 211.137 and 211.166 (*i.e.,* expiration dating determined by stability studies) under certain conditions. This revised draft guidance describes these conditions.

This draft guidance revises an earlier draft guidance for industry, ''Expiration Dating of Unit-Dose Repackaged Drugs: Compliance Policy Guide.'' Changes include the following:

- Shortens the expiration date to be used under certain conditions for solid oral dosage forms repackaged in unit-dose containers from 12 months to 6 months or 25 percent of the time remaining until the expiration date on the container of the original manufacturer's product, whichever time period is shorter.
- Provides for an expiration date exceeding 6 months if supportive data from appropriate studies are available and other conditions are met.
- Excludes from the scope of the guidance products repackaged by State-licensed pharmacies, Federal facilities, and outsourcing facilities as defined under section 503B of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353b).
- Excludes from the scope of the guidance all dosage forms other than solid oral dosage forms.
- Provides for the use of containers meeting USP <671> Class B standards if certain conditions are met.

This revised draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The revised draft guidance, when finalized, will represent the current thinking of FDA on expiration dating of unit-dose repackaged solid oral dosage form drug products. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

The current Compliance Policy Guide 480.200, ''Expiration Dating of Unit-Dose Repackaged Drugs,'' issued February 1, 1984, revised March 1995, will be withdrawn when the revised draft guidance is finalized.

II. The Paperwork Reduction Act of 1995

This revised draft guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR parts 210 and 211 have been approved under OMB control number 0910–0139.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov*.

Dated: August 3, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–16719 Filed 8–8–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–4076]

Benefit-Risk Assessments in Drug Regulatory Decision-Making; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing a public meeting to convene a discussion of topics related to the structured assessment of benefits and risks in drug regulatory decision-making. This meeting will focus on regulatory and industry experiences with approaches to structured benefit-risk assessments, approaches to incorporating patient perspectives into structured benefit-risk assessment, and exploration of methods to advance structured benefit-risk assessment. The format of the meeting will include a series of presentations on the above topics related to structured assessment of benefits and risks, followed by a discussion on those topics with invited panelists and audience members. This meeting satisfies an FDA commitment that is part of the fifth authorization of the Prescription Drug User Fee Act (PDUFA V).

DATES: The public meeting will be held on September 18, 2017, from 9 a.m. to 5 p.m. Registration to attend the meeting must be received by September 11, 2017 (see the **SUPPLEMENTARY INFORMATION** section for instructions). Public comments will be accepted through November 18, 2017. See the **ADDRESSES** section for information about submitting comments to the public docket.

ADDRESSES: The public meeting will be held on September 18, 2017, at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center (the Great Room), Silver Spring, MD 20993–0002. Entrance for the public meeting participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For more information on parking and security procedures, please refer to *https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before November 18, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of November 18, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your

comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–N–4076 for ''Benefit-Risk Assessments in Drug Regulatory Decision-Making; Public Meeting, Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FDA will post the agenda approximately 5 days before the meeting at: *https://www.fda.gov/forindustry/userfees/prescriptiondruguserfee/ucm378861.htm.*

FOR FURTHER INFORMATION CONTACT: Graham Thompson, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1146, Silver Spring, MD 20993–0002, 301–796–5003, FAX: 301–847–8443, *graham.thompson@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On July 9, 2012, the President signed into law the Food and Drug Administration Safety and Innovation Act (FDASIA) (Pub. L. 112–144). Title I of FDASIA reauthorizes PDUFA V and provides FDA with the user fee resources necessary to maintain an efficient review process for human drug and biological products. The reauthorization of PDUFA V includes performance goals and procedures for the Agency that represents FDA's commitments during fiscal years 2013–2017. These commitments are fully described in the document entitled ''PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2013 through 2017'' (PDUFA Goals Letter), available on FDA's Web site at *http://www.fda.gov/downloads/ForIndustry/UserFees/PrescriptionDrugUserFee/UCM270412.pdf.*

Section X of the PDUFA Goals Letter, entitled ''Enhancing Benefit-Risk Assessment in Regulatory Decision-Making,'' includes development of a plan to further develop and implement a structured approach to benefit-risk assessment in the human drug review process. As part of this enhancement, FDA committed to holding two public workshops on benefit-risk considerations from the regulator's perspective that will begin by the first quarter of fiscal year 2014. The public workshop held in 2014 fulfilled the first of the two workshop commitments. The workshop announced by this notice will fulfill the second of the two workshop commitments.

As part of its commitment, FDA has published the ''Structured Approach to Benefit-Risk Assessment in Drug Regulatory Decision-Making: Draft PDUFA V Implementation Plan,'' available on FDA's Web site at *http://www.fda.gov/downloads/ForIndustry/UserFees/PrescriptionDrugUserFee/UCM329758.pdf.* In this Plan, FDA identified as an area of further development the exploration of structured approaches to evaluate and communicate the assessment of benefits and risks. FDA's human drug regulatory decisions are informed by an extensive body of evidence on the safety and efficacy of a drug product, as well as other factors affecting the benefit-risk assessment, including the nature and severity of the condition the drug is intended to treat or prevent, the benefits and risks of other available therapies for the condition, and any risk management tools that might be necessary to ensure that the benefits outweigh the risks. A structured benefit-risk framework serves as a foundational element to FDA's benefit-risk assessments.

II. Purpose and Scope of the Meeting

This public meeting will focus on: (1) Regulatory and industry experiences with approaches to structured benefit-risk assessments, and the results of implementing structured frameworks at regulatory agencies both for premarket application review and postmarket safety review, (2) approaches to incorporating patient perspectives into structured benefit-risk assessment, and (3) exploration of methods to advance structured benefit-risk assessment. This meeting will be an opportunity to share any challenges and lessons learned in applying a more structured approach to regulatory decision-making. The public meeting will also explore more systematic and structured approaches to evaluate and communicate methods of assessing benefits and risks; and their implications on human drug regulatory decisions. Specifically, the workshop will examine FDA, other regulatory

agencies, industry, and external perspectives and experiences with structured benefit-risk assessment. This public meeting will have discussion sessions focusing on the entire drug development life cycle, including premarket drug review and postmarket safety surveillance. The format of the meeting consists of a series of presentations on topics related to structured assessment of benefits and risks, followed by a discussion on those topics with invited panelists and audience members.

III. Meeting Attendance and Participation

Registration: If you wish to attend this meeting, visit *https://fdabenefitrisk.eventbrite.com.* Please register by September 11, 2017. If you are unable to attend the meeting in person, you can register to view a live webcast of the meeting. You will be asked to indicate in your registration if you plan to attend in person or via the webcast. Seating will be limited, so early registration is recommended.

Registration is free and will be on a first-come, first-served basis. However, FDA may limit the number of participants from each organization based on space limitations. Registrants will receive confirmation once they have been accepted. Onsite registration on the day of the meeting will be based on space availability.

If you need special accommodations because of a disability, please contact Graham Thompson (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days before the meeting.

Transcripts: Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the internet at *https://www.fda.gov/forindustry/userfees/prescriptiondruguserfee/ucm378861.htm.*

Dated: August 3, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–16720 Filed 8–8–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–2802]

Chemistry, Manufacturing, and Controls Postapproval Manufacturing Changes for Specified Biological Products To Be Documented in Annual Reports; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''CMC Postapproval Manufacturing Changes for Specified Biological Products To Be Documented in Annual Reports.'' This draft guidance provides recommendations to holders of biologics license applications (BLAs) for specified products regarding the types of changes to be documented in annual reports. Specifically, the draft guidance describes chemistry, manufacturing, and controls (CMC) postapproval manufacturing changes that the Agency generally considers to have a minimal potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as they may relate to the safety or effectiveness of the product. Under FDA regulations, such minor changes in the product, production process, quality controls, equipment, facilities, or responsible personnel must be documented by applicants in an annual report.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by October 10, 2017.

ADDRESSES: You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–D–2802 for ''CMC Postapproval Manufacturing Changes for Specified Biological Products To Be Documented in Annual Reports.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and

contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002 or to the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Michail Alterman, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 4245, Silver Spring, MD 20993, 240–402–9355; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''CMC Postapproval Manufacturing Changes for Specified Biological Products To Be Documented in Annual Reports.'' Applicants must notify the Agency of a change to an approved BLA in accordance with all statutory and regulatory requirements—including section 506A of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 356a) and 21 CFR 601.12. Section 506A of the FD&C Act provides requirements for making and reporting manufacturing changes to an approved application or license and for distributing a drug product made with such changes. Under § 601.12, each post-approval change in the product, production process, quality controls, equipment, facilities, or responsible personnel established in an approved BLA is categorized into one of three reporting categories:

- *Major change:* Applicants must submit and receive FDA's approval of a supplement to the BLA before the product produced with the manufacturing change is distributed.
- *Moderate change:* Applicants must submit a supplement at least 30 days before the product is distributed or, in some cases, the product may be distributed immediately upon FDA's receipt of the supplement.
- *Minor change:* Applicants may proceed with the change but must notify FDA of the change in an annual report.

This draft guidance provides recommendations for changes that generally should be documented in an annual report. It discusses the contents of an annual report notification and lists examples of postapproval manufacturing changes for BLAs that FDA generally considers to have a minimal potential to have an adverse effect on the identity, strength, quality, purity, or potency of the product as they may relate to the safety or effectiveness of the product and, therefore, generally should be documented in an annual report.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on CMC postapproval manufacturing changes for specified biological products to be documented in annual reports. It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in § 601.12 have been approved under OMB control number 0910–0338.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm,* or *https://www.regulations.gov.*

Dated: August 3, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–16718 Filed 8–8–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meetings Announcement for the Physician-Focused Payment Model Technical Advisory Committee Required by the Medicare Access and CHIP Reauthorization Act of 2015 (MACRA)

ACTION: Notice of public meetings.

SUMMARY: This notice announces the next meeting of the Physician-Focused Payment Model Technical Advisory Committee (hereafter referred to as ''the Committee'') which will be held in Washington, DC. This meeting will include voting and deliberations on proposals for physician-focused payment models (PFPMs) submitted by members of the public. All meetings are open to the public.

DATES: The PTAC meeting will occur on the following dates:

- Thursday—Friday, September 7–8, 2017, from 9:00 a.m. to 5:00 p.m. ET.

Please note that times are subject to change. If the times change, registrants will be notified directly via email.

ADDRESSES: The September 7–8, 2017 meeting will be held at the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC, 20201.

FOR FURTHER INFORMATION CONTACT: Ann Page, Designated Federal Official, at the Office of Health Policy, Assistant Secretary for Planning and Evaluation, U.S. Department of Health and Human Services, 200 Independence Ave. SW., Washington, DC 20201, (202) 690–6870.

SUPPLEMENTARY INFORMATION:

I. Purpose

The Physician-Focused Payment Model Technical Advisory Committee (''the Committee'') is required by the

Medicare Access and CHIP Reauthorization Act of 2015, 42 U.S.C 1395ee. This Committee is also governed by provisions of the Federal Advisory Committee Act, as amended (5 U.S.C App.), which sets forth standards for the formation and use of federal advisory committees. In accordance with its statutory mandate, the Committee is to review physician-focused payment model proposals and prepare recommendations regarding whether such models meet criteria that were established through rulemaking by the Secretary of Health and Human Services (the Secretary). The Committee is composed of 11 members appointed by the Comptroller General.

II. Agenda

At the September 7–8, 2017, the Committee will hear presentations on PFPMs that are ready for Committee deliberation. The presentations will be followed by public comment and Committee deliberation. If the Committee completes deliberations, voting will occur on recommendations to the Secretary of Health and Human Services. There will be time allocated for public comment on agenda items. Documents will be posted on the Committee Web site and distributed on the Committee listserv prior to the public meeting. The agenda is subject to change. If the agenda does change, we will inform registrants and update our Web site to reflect any changes.

III. Meeting Attendance

The meeting is open to the public. The public may also attend via conference call or view the meeting via livestream at *www.hhs.gov/live.* The conference call dial-in information will be sent to registrants prior to the meeting.

Meeting Registration

The public may attend the meetings in-person or participate by phone via audio teleconference. Space is limited and registration is preferred in order to attend in-person or by phone. Registration may be completed online at *www.regonline.com/PTACMeetings Registration.*

The following information is submitted when registering:

Name:
Company/organization name:
Postal address:
Email address:

Persons wishing to attend this meeting must register by following the instructions in the ''Meeting Registration'' section of this notice. A confirmation email will be sent to registrants shortly after completing the registration process.

IV. Special Accommodations

If sign language interpretation or other reasonable accommodation for a disability is needed, please contact Angela Tejeda, no later than August 24, 2017. Please submit your requests by email to *Angela.Tejeda@hhs.gov* or by calling 202–401–8297.

V. Copies of the PTAC Charter and Meeting Material

The Secretary's Charter for the Physician-Focused Payment Model Technical Advisory Committee is available on the ASPE Web site at *https://aspe.hhs.gov/charter-physician-focused-payment-model-technical-advisory-committee.*

Additional material for this meeting can be found on the PTAC Web site. For updates and announcements, please use the link to subscribe to the PTAC email listserv.

Dated: August 3, 2017.

John R. Graham,

Acting Assistant Secretary for Planning and Evaluation.

[FR Doc. 2017–16784 Filed 8–8–17; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Informatics Support for NIDA (8940).

Date: August 31, 2017.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Lyle Furr, Scientific Review Officer, Office of Extramural Affairs, National Institute on Drug Abuse, NIH, DHHS, Room 4227, MSC 9550, 6001 Executive Boulevard, Bethesda, MD 20892–9550, (301) 827–5702, *lf33c.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: August 3, 2017.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–16733 Filed 8–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, RFA–MH–17–650: Implementation Science for the Prevention and Treatment of Mental and/or Substance Use Disorders in Low- and Middle-income Countries (U01).

Date: September 4–5, 2017.

Time: 8:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: President Hotel, 4 Alexander Road, Bantry Bay, Cape Town, 8001, South Africa.

Contact Person: Seetha Bhagavan, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5194, MSC 7846, Bethesda, MD 20892, (301) 237–9838, *bhagavas@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, PAR–17–076: High-End Instrumentation (HEI) Grant Program (S10).

Date: September 12, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Songtao Liu, MD, Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, Bethesda, MD 20817, 301–435–3578, *songtao.liu@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: August 3, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–16730 Filed 8–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Heart, Lung, and Blood Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Heart, Lung, and Blood Advisory Council.

Date: September 12, 2017.

Open: 12:00 p.m. to 5:00 p.m.

Agenda: To discuss program policies and issues.

Place: National Institutes of Health, Building 35A, Porter Building, Room 640, 35A Convent Drive, Bethesda, MD 20892.

Contact Person: Laura K. Moen, Ph.D., Director, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Drive, Room 7100, Bethesda, MD 20892, 301–435–0260, *moenl@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *www.nhlbi.nih.gov/meetings/nhlbac/index.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: August 3, 2017.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–16732 Filed 8–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Advancing Translational Sciences; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of meetings of the National Center for Advancing Translational Sciences.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The 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: Cures Acceleration Network Review Board.

Date: September 7, 2017.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: Report from the Institute Director.

Place: National Institutes of Health, Building 31, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Anna L. Ramsey-Ewing, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, 1 Democracy Plaza, Room 1072, Bethesda, MD 20892, 301–435–0809, *anna.ramseyewing@nih.gov.*

Name of Committee: National Center for Advancing Translational Sciences Advisory Council.

Date: September 7, 2017.

Open: 8:30 a.m. to 3:00 p.m.

Agenda: Report from the Institute Director and other staff.

Place: National Institutes of Health, Building 31, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Closed: 3:15 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Building 31, Conference Room 6, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Anna L. Ramsey-Ewing, Ph.D., Executive Secretary, National Center for Advancing Translational Sciences, 1 Democracy Plaza, Room 1072, Bethesda, MD 20892, 301–435–0809, *anna.ramseyewing@nih.gov.*

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.350, B—Cooperative Agreements; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: August 3, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–16731 Filed 8–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory General Medical Sciences Council.

The meeting will be open to the public as indicated below, with a short public comment period at the end. Attendance is limited by the space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The open session will also be videocast and can be accessed from the NIH Videocasting

and Podcasting Web site (*http://videocast.nih.gov*).

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory General Medical Sciences Council.

Date: September 14–15, 2017.

Closed: September 14, 2017, 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1/2, D, F, G, 45 Center Drive, Bethesda, MD 20892.

Open: September 15, 2017, 8:30 a.m. to 12:00 p.m.

Agenda: For the discussion of program policies and issues; opening remarks; report of the Director, NIGMS; and other business of the Council.

Place: National Institutes of Health, Natcher Building, Conference Rooms E1/2, 45 Center Drive, Bethesda, MD 20892.

Contact Person: Ann A. Hagan, Ph.D., Associate Director for Extramural Activities, NIGMS, NIH, DHHS, 45 Center Drive, Room 2AN24H, MSC6200, Bethesda, MD 20892–6200, (301) 594–4499, *hagana@nigms.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://www.nigms.nih.gov/About/Council*, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: August 3, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–16734 Filed 8–8–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–23795; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before July 15, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by August 24, 2017.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before July 15, 2017. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State Historic Preservation Officers:

COLORADO

Boulder County

Downtown Longmont Historic District, Roughly Main, Coffman & Kimbark Sts. between 3rd & 5th Aves., Longmont, SG100001501

MASSACHUSETTS

Essex County

Rocky Neck Historic District, 1–5 Eastern Point Rd., 285 E. Main St., Bickford Way, Clarendon, Fremont, Horton, Rackliffe, Wiley & Wonson Sts., Gloucester, SG100001502

Franklin County

Heath Center Historic District (Boundary Increase), 44 Hosmer Rd. W., 55 & 59 South Rd. & Heath Fairgrounds on Colrain Stage & Hosmer Rd. W., Heath, BC100001503

MONTANA

Lewis and Clark County

Gehring Ranch, 5488 Lincoln Rd. W., Helena vicinity, SG100001504

OHIO

Cuyahoga County

East Boulevard Apartment House, (Apartment Buildings in Ohio Urban Centers, 1870–1970 MPS), 2691 E. 116th St., Cleveland, MP100001506

Hamilton County

Sands, George F., School, 940 Poplar St., Cincinnati, SG100001507

Stark County

Lehman, John H., High School, 1120 15th St. NW., Canton, SG100001508

VIRGINIA

Halifax County

Bloomsburg (Watkins House), 9000 Philpott Rd., South Boston vicinity, SG100001509

Brandon-on-the-Dan, 1072 Calvary Rd., Alton vicinity, SG100001510

Cedar Grove, 1083 Blanes Mill Rd., Alton vicinity, SG100001511

Glenwood, 7040 Philpott Rd., South Boston vicinity, SG100001512

Lynchburg Independent city, Hopwood Hall, 1501 Lakeside Dr., Lynchburg (Independent City), SG100001513

Montgomery County

Slusser—Ryan Farm, 2028 Mt. Tabor Rd., Blacksburg vicinity, SG100001514

Pittsylvania County

Oak Ridge, 2345 Berry Hill Rd., Danville vicinity, SG100001515

Rockbridge County

Scott—Hutton Farm, 1892 Turnpike Rd., Lexington vicinity, SG100001516

WASHINGTON

King County

Woodinville School, 13203 NE. 175th St., Woodinville, SG100001517

Pierce County

Point Defiance Lodge, 5715 Roberts Garden Rd., Tacoma, SG100001518

WISCONSIN

Brown County

Whitney School, 215 N. Webster Ave., Green Bay, SG100001519

Milwaukee County

Century Building, 808 N. Old World Third St., 230 W. Wells St., Milwaukee, SG100001520

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following

nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

NEW MEXICO

Catron County

Bat Cave (Boundary Increase), Address Restricted, Horse Springs vicinity, BC100001505

Authority: 60.13 of 36 CFR part 60.

Dated: July 18, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program. Keeper, National Register of Historic Places.

[FR Doc. 2017–16716 Filed 8–8–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–683 (Fourth Review)]

Fresh Garlic From China; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on fresh garlic from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: July 7, 2017.

FOR FURTHER INFORMATION CONTACT: Porscha Stiger (202–205–3241), 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 review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On July 7, 2017, the Commission determined that the domestic interested party group response to its notice of institution (82 FR 16223, April 3, 2017) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review will be placed in the nonpublic record on September 15, 2017, and made available to persons on the Administrative Protective Order service list for this review. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution, and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before September 20, 2017 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by September 20, 2017. However, should the Department of Commerce extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *https://edis.usitc.gov.*

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: August 3, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–16714 Filed 8–8–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1186–1187 (Review)]

Certain Stilbenic Optical Brightening Agents From China and Taiwan; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty orders on certain stilbenic optical brightening agents from China and Taiwan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: July 7, 2017.

FOR FURTHER INFORMATION CONTACT: Abu B. Kanu (202–205–2597), 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 these reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On July 7, 2017, the Commission determined that the domestic interested party group response to its notice of institution (82 FR 16226, April 3, 2017) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the reviews will be placed in the nonpublic record on August 11, 2017, and made available to persons on the Administrative Protective Order service list for these reviews. A public version will be issued thereafter, pursuant to section 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in section 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the reviews. Comments are due on or before September 22, 2017 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by September 22, 2017. However, should the Department of Commerce extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. *See* 79 FR 35920 (June 25, 2014), and the revised Commission Handbook on E-filing, available from the Commission's Web site at *https://edis.usitc.gov.*

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determinations.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: August 3, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–16727 Filed 8–8–17; 8:45 am]

BILLING CODE 7020–02–P

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's Web site.

[2] The Commission has found the response submitted by Archroma U.S., Inc. to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

DEPARTMENT OF JUSTICE

Foreign Claims Settlement Commission

[F.C.S.C. Meeting and Hearing Notice No. 7–17]

Sunshine Act Meeting

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR part 503.25) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings as follows:

DATE: *Tuesday, August 22, 2017:* 10:00 a.m.—Issuance of Proposed Decisions in claims against Iraq.

STATUS: Open.

All meetings are held at the Foreign Claims Settlement Commission, 600 E Street NW., Washington, DC. Requests for information, or advance notices of intention to observe an open meeting, may be directed to: Patricia M. Hall, Foreign Claims Settlement Commission, 600 E Street NW., Suite 6002, Washington, DC 20579. Telephone: (202) 616–6975.

Brian M. Simkin,

Chief Counsel.

[FR Doc. 2017–16847 Filed 8–7–17; 11:15 am]

BILLING CODE 4410–BA–P

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Innovation and Opportunity Act Native American Employment and Training Council

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), and the Workforce Innovation and Opportunity Act (WIOA) notice is hereby given of the next meeting of the Native American Employment and Training Council (Council), as constituted under WIOA.

DATES: The meeting will begin at 9:00 a.m., (Eastern Daylight Time) on Tuesday, August 29, 2017, and continue until 5:00 p.m. that day. The meeting will reconvene at 9:00 a.m. on Wednesday, August 30, 2017 and adjourn at 4:00 p.m. that day. The period from 2:00 p.m. to 4:00 p.m. on August 30, 2017 is reserved for participation and comment by members of the public.

ADDRESSES: The meeting will be held at the U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue NW., Room N–3437 A & B, Washington, DC 20210.

Security Instructions for the Frances Perkins Building

Meeting participants should use the visitor's entrance to access the Frances Perkins Building, one block north of Constitution Avenue on 3rd and C Streets NW. For security purposes meeting participants must:

1. Present valid photo identification (ID) to receive a visitor badge.

2. Know the name of the event you are attending: The meeting event is the Native American Employment and Training Council meeting.

3. Visitor badges are issued by the security officer at the Visitor Entrance located at 3rd and C Streets NW., as described above.

4. Laptops and other electronic devices may be inspected and logged for identification purposes.

5. Due to limited parking options, metro rail is the easiest way to travel to the Frances Perkins Building. For individuals wishing to take metro rail, the closest stop is Judiciary Square on the Red Line.

FOR FURTHER INFORMATION CONTACT: Athena R. Brown, Designated Federal Officer (DFO), Division of Indian and Native American Programs, Employment and Training Administration, U.S. Department of Labor, Room S–4209, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number (202) 693–3737 (VOICE) (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Members of the public not present may submit a written statement on or before August 22, 2017, to be included in the record of the meeting. Statements are to be submitted to Athena R. Brown, DFO, U.S. Department of Labor, 200 Constitution Avenue NW., Room S–4209, Washington, DC 20210. Persons who need special accommodations should contact Craig Lewis at (202) 693–3384, at least two business days before the meeting. The formal agenda will focus on the following topics: (1) Transition paper; (2) Performance Indicators; (3) 4-Year Competition and Strategic Plan; (4) ETA Updates and follow-up on the Implementation Activities; (5) Training and Technical Assistance; (6) Council and Workgroup Updates and Recommendations; (7) New Business and Next Steps; and (8) Public Comment.

Byron Zuidema,

Deputy Assistant Secretary for Employment and Training.

[FR Doc. 2017–16726 Filed 8–8–17; 8:45 am]

BILLING CODE 4510–FR–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of petitions for modification submitted to the Mine Safety and Health Administration (MSHA) by the parties listed below.

DATES: All comments on the petitions must be received by MSHA's Office of Standards, Regulations, and Variances on or before September 8, 2017.

ADDRESSES: You may submit your comments, identified by ''docket number'' on the subject line, by any of the following methods:

1. *Electronic Mail: zzMSHA-comments@dol.gov.* Include the docket number of the petition in the subject line of the message.

2. *Facsimile:* 202–693–9441.

3. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452, Attention: Sheila McConnell, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk in Suite 4E401. Individuals may inspect copies of the petitions and comments during normal business hours at the address listed above.

MSHA will consider only comments postmarked by the U.S. Postal Service or proof of delivery from another delivery service such as UPS or Federal Express on or before the deadline for comments.

FOR FURTHER INFORMATION CONTACT: Barbara Barron, Office of Standards, Regulations, and Variances at 202–693–9447 (Voice), *barron.barbara@dol.gov* (Email), or 202–693–9441 (Facsimile). [These are not toll-free numbers.]

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and Title 30 of the Code of Federal Regulations Part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor (Secretary) determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. That the application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, the regulations at 30 CFR 44.10 and 44.11 establish the requirements and procedures for filing petitions for modification.

II. Petitions for Modification

Docket Number: M–2017–014–C.

Petitioner: Gibson County Coal, LLC, 3455 S 700 W, Owensville, Indiana 47665.

Mine: South Mine, MSHA I.D. No. 12–02388, located in Gibson County, Indiana.

Regulation Affected: 30 CFR 75.382 (Mechanical escape facilities).

Modification Requested: The petitioner requests a modification of the existing standard to permit the use of the slope belt conveyor as a mechanical escape facility at the South Mine. The petitioner states that:

a. Mine No. 1 extracts coal from the Springfield No. 5 coal seam by continuous mining method. The coal seam is intersected by a vertical shaft with cage hoist facility and by a dual compartment slope that contains a slope car hoist facility in the lower track compartment and a belt conveyor in the isolated upper compartment. Escapeways, as required in 30 CFR 75.380(a), are connected to these hoist facilities as required in 30 CFR 75.380(i)(1) and (i)(2).

b. Rope and drum hoists used as mechanical escape facilities at these locations are subject to maintenance and/or conditions that could interfere with the operation of the facility for extended periods of time. The availability of a third mechanical escape facility (slope belt conveyor) provides an additional layer of safety for the miners and enhances compliance with escapeway regulations in that there will be an additional escape facility readily available during normal hoist operations. Additionally, the use of the slope belt conveyor as a mechanical escape facility provides the most efficient means to evacuate miners in the event of a mine emergency. The slope belt conveyor provides a nonstop conveyance on which the miners can exit the mine without the delay of having to wait on the limited capacity of the slope car as it makes a roundtrip in and out of the mine. At a speed of 140 feet per minute, the slope belt conveyor can evacuate 100 miners in approximately 19 minutes. The slope car hoist requires approximately 126 minutes to evacuate 100 miners.

The petitioner further states that the use of the slope belt conveyor as a mechanical escape facility at the South Mine will be conditioned upon compliance with the following:

(1) The slope belt conveyor will be equipped with an automatic braking system which will prevent the belt from reversing direction if power is lost. The drive pulley shafts are provided with a

braking/blocking device that mechanically prevents rotation of the conveyer when the drive motors are de-energized.

(2) The power source for the slope belt conveyor will be independent of the underground mine's power source.

(3) The slope belt conveyor is powered by multiple drive motors located on the mine's surface facilities. Each drive motor is controlled by a variable frequency drive that, coupled with encoders, monitors the speed of the motor unit and can shut down the belt if a predetermined speed set point is exceeded. When persons are being transported on the slope belt conveyor as a mechanical escape facility, the belt speed will not exceed 140 feet per minute.

(4) A personnel loading platform will be installed across the slope belt conveyor outby the first North loading point. The loading platform will be designed to enable miners, including disabled persons, to safely and systematically board the slope belt conveyor.

(5) A minimum of four attendants will be stationed at the personnel loading platform to assist miners as they transition from the loading platform onto the slope belt conveyor.

(6) A personnel unloading platform will be installed across the slope belt conveyor at the first opportunity on the surface, just inby the Portal opening. The unloading platform will be designed to enable miners, including disabled persons, to safely and systematically exit the slope belt conveyor. Upon notification of an emergency requiring evacuation, loading and unloading platforms will be put in position as required in 30 CFR 75.380(j).

(7) A minimum of four attendants will be stationed at the personnel unloading platform to assist miners as they transition from the slope belt conveyor onto the unloading platform.

(8) Positive-acting stop controls will be installed continuously along the slope belt conveyor and such controls will be readily accessible to persons being transported on the slope belt conveyor.

(9) The slope belt conveyor will be equipped with automatic stop controls that will automatically stop the belt if a person travels beyond the unloading platform.

(10) The belt flight dumping onto the slope belt conveyor will be de-energized to ensure that the power cannot be reapplied to the belt flight dumping onto the slope belt conveyor while the slope belt conveyor is in use as a mechanical escape facility.

(11) The slope belt conveyor will have a minimum vertical clearance of 18 inches from the nearest overhead projection when measured from the edge of the belt.

(12) Adequate illumination will be provided at the personnel loading and unloading platforms on the slope belt conveyor.

(13) The slope belt conveyor will not be used to transport supplies and the slope belt conveyor will be clear of all material before persons are transported.

(14) Telephone or other suitable communications will be provided at the personnel loading and unloading platforms on the slope belt conveyor.

(15) Suitable crossing facilities will be provided wherever persons must cross the moving slope belt conveyor to gain access at the personnel loading and unloading platforms.

(16) The slope belt conveyor will be operated in the mechanical escapeway mode at least weekly. A record of this test will be documented and made available for inspection by authorized representatives of the Secretary and representatives of the Indiana Bureau of Mines and Mining Safety.

(17) All underground mine personnel will be trained in the provisions of this petition before the petition is implemented. A record of this training will be documented and made available for inspection by authorized representatives of the Secretary and representatives of the Indiana Bureau of Mines and Mining Safety.

The petitioner asserts that the proposed alternative method will at all times provide the same degree of safety for the underground miners at Mine No. 1 as that afforded by the existing standard.

Docket Number: M–2017–015–C.

Petitioner: Prairie State Generating Company, 4274 County Highway 12, Marissa, Illinois 62257.

Mine: Lively Grove Mine, MSHA I.D. No. 11–03193, located in Washington County, Illinois.

Regulation Affected: 30 CFR 75.500(d) (Permissible electric equipment).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of nonpermissible electronic testing or diagnostic equipment in or inby the last open crosscut. The petitioner states that:

(1) Nonpermissible electronic testing and diagnostic equipment to be used includes: Laptop computers, oscilloscopes, vibration analysis machines, cable fault detectors, point temperature probes, infrared temperature devices, insulation testers (meggers), voltage/current/resistance/ and power measurement devices, signal analyzer devices, ultrasonic thickness gauges, electronic component testers, and electronic tachometers. Other testing and diagnostic equipment may be used if approved in advance by the MSHA District Manager.

(2) All nonpermissible testing and diagnostic equipment used in or inby the last open crosscut will be examined by a qualified person as defined in 30 CFR 75.153, prior to use to ensure the equipment is being maintained in a safe operating condition. These examination results will be recorded in the weekly examination book and will be made available to MSHA and the miners at the mine.

(3) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of nonpermissible electronic testing and diagnostic equipment in or inby the last open crosscut.

(4) Nonpermissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above one percent. When methane is detected in concentrations at or above one percent while the nonpermissible electronic equipment is being used, the equipment will be de-energized immediately and will be withdrawn outby the last open crosscut.

(5) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(6) Except for time necessary to troubleshoot under actual mining conditions, coal production in the section will cease. However, coal may remain in or on the equipment to test and diagnose the equipment under ''load''.

(7) All electronic testing and diagnostic equipment will be used in accordance with the safe use procedures recommended by the manufacturer.

(8) Qualified personnel who use electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the equipment.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the standard.

Docket Number: M–2017–016–C.

Petitioner: Prairie State Generating Company, 4274 County Highway 12, Marissa, Illinois 62257.

Mine: Lively Grove Mine, MSHA I.D. No. 11–03193, located in Washington County, Illinois.

Regulation Affected: 30 CFR 75.507–1(a) (Electric equipment other than power-connection points; outby the last open crosscut; return air; permissibility requirements).

Modification Request: The petitioner requests a modification of the existing standard to permit the use of nonpermissible electronic testing or diagnostic equipment in return air outby the last open crosscut. The petitioner states that:

(1) Nonpermissible electronic testing and diagnostic equipment to be used includes: Laptop computers, oscilloscopes, vibration analysis machines, cable fault detectors, point temperature probes, infrared temperature devices, insulation testers (meggers), voltage/current/resistance/ and power measurement devices, signal analyzer devices, ultrasonic thickness gauges, electronic component testers, and electronic tachometers. Other testing and diagnostic equipment may be used if approved in advance by the MSHA District Manager.

(2) All nonpermissible testing and diagnostic equipment used in return air outby the last open crosscut will be examined by a qualified person as defined in 30 CFR 75.153, prior to use to ensure the equipment is being maintained in a safe operating condition. These examination results will be recorded in the weekly examination book and will be made available to MSHA and the miners at the mine.

(3) A qualified person as defined in 30 CFR 75.151 will continuously monitor for methane immediately before and during the use of nonpermissible electronic testing and diagnostic equipment in return air outby the last open crosscut.

(4) Nonpermissible electronic testing and diagnostic equipment will not be used if methane is detected in concentrations at or above one percent. When methane is detected in concentrations at or above one percent while the nonpermissible electronic equipment is being used, the equipment will be de-energized immediately and will be withdrawn from the return air outby the last open crosscut.

(5) All hand-held methane detectors will be MSHA-approved and maintained in permissible and proper operating condition as defined in 30 CFR 75.320.

(7) All electronic testing and diagnostic equipment will be used in accordance with the safe use procedures recommended by the manufacturer.

(8) Qualified personnel who use electronic testing and diagnostic equipment will be properly trained to recognize the hazards and limitations associated with use of the equipment.

The petitioner asserts that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded by the standard.

Sheila McConnell,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2017–16783 Filed 8–8–17; 8:45 am]

BILLING CODE 4520–43–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0174]

Information Collection: Reactor Site Criteria

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''10 CFR part 100, Reactor Site Criteria.'' We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995.

DATES: Submit comments by October 10, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0174. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–5 F53, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: (301) 415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0174 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0174.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The supporting statement is available in ADAMS under Accession No. ML17135A101.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *INFOCOLLECTS.Resource@NRC.GOV.*

B. Submitting Comments

Please include Docket ID NRC–2017–0174 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC posts all comment submissions at *http://www.regulations.gov* as well as entering the comment submissions into ADAMS. The NRC does not routinely edit

comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment submissions into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* ''10 CFR part 100, Reactor Site Criteria.''

2. *OMB approval number:* 3150–0093.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* As necessary in order for the NRC to assess the adequacy of proposed seismic design bases and the design bases for other site hazards for nuclear power and test reactors constructed and licensed in accordance with parts 50 and 52 of title 10 of the *Code of Federal Regulations* (10 CFR) and the Atomic Energy Act of 1954, as amended.

6. *Who will be required or asked to respond:* Applicants who apply for an early site permit (ESP), combined license (COL) or a construction permit (CP) or operating license (OL) on or after January 10, 1997.

7. *The estimated number of annual responses:* 1.3.

8. *The estimated number of annual respondents:* 1.3.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 94,900 hours (73,000 hours per application x 1.3 applications).

10. *Abstract:* ''10 CFR part 100, Reactor Site Criteria,'' establish approval requirements for proposed sites for the purpose of constructing and operating stationary power and testing reactors. Subpart B, ''Evaluation Factors for Stationary Power Reactor Site Applications on or After January 10, 1997,'' requirements apply to applicants who apply for an early site permit (ESP), combined license (COL) or a construction permit (CP) or operating license (OL) on or after January 10, 1997. This clearance is necessary since the NRC is expecting approximately two COL, one CP, and one OL application over the next 3 years. The applicants must provide information regarding the physical characteristics of the site in addition to the potential for natural phenomena and man-made hazards. This includes information on meteorological hazards (such as hurricanes, tornadoes, snowfall, and extreme temperatures), hydrologic hazards (such as floods, tsunami, and seiches) geologic hazards (such as faulting, seismic hazards, and the maximum credible earthquake) and factors such as population density, the proximity of man-related hazards, and site hydrological and atmospheric dispersion characteristics. The NRC staff reviews the submitted information and, if necessary, generates a request for additional information. The staff meets with the applicant and conducts a site visit to resolve any open issues. When the open issues have been resolved, the staff writes the final safety evaluation report, which is published and used as a basis for the remainder of the NRC licensing process.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the estimate of the burden of the information collection accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 3rd day of August, 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–16723 Filed 8–8–17; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2017–239; CP2017–240; CP2017–241; CP2017–242; CP2017–243; CP2017–244; MC2017–165 and CP2017–245; MC2017–166 and CP2017–246; CP2017–247; CP2017–248]

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:* August 10, 2017 (Comment due date applies to CP2017–239; CP2017–240; CP2017–241; CP2017–242; CP2017–243); August 11, 2017 (Comment due date applies to CP2017–244; MC2017–165 and CP2017–245; MC2017–166 and CP2017–246; CP2017–247; CP2017–248).

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).:* CP2017–239; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 2, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Max E. Schnidman; *Comments Due:* August 10, 2017.

2. *Docket No(s).:* CP2017–240; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 2, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Max E. Schnidman; *Comments Due:* August 10, 2017.

3. *Docket No(s).:* CP2017–241; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 2, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Max E. Schnidman; *Comments Due:* August 10, 2017.

4. *Docket No(s).:* CP2017–242; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 2, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Max E. Schnidman; *Comments Due:* August 10, 2017.

5. *Docket No(s).:* CP2017–243; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 2, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Max E. Schnidman; *Comments Due:* August 10, 2017.

6. *Docket No(s).:* CP2017–244; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 2, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Max E. Schnidman; *Comments Due:* August 11, 2017.

7. *Docket No(s).:* MC2017–165 and CP2017–245; *Filing Title:* Request of the United States Postal Service to Add Priority Mail & First-Class Package Service Contract 50 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* August 2, 2017; *Filing Authority:* 39 CFR 3020.30; *Public Representative:* Matthew R. Ashford; *Comments Due:* August 11, 2017.

8. *Docket No(s).:* MC2017–166 and CP2017–246; *Filing Title:* Request of the United States Postal Service to Add Priority Mail Contract 338 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data; *Filing Acceptance Date:* August 2, 2017; *Filing Authority:* 39 CFR 3020.30; *Public Representative:* Matthew R. Ashford; *Comments Due:* August 11, 2017.

9. *Docket No(s).:* CP2017–247; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 2, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Max E. Schnidman; *Comments Due:* August 11, 2017.

10. *Docket No(s).:* CP2017–248; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 2, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Max E. Schnidman; *Comments Due:* August 11, 2017.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–16729 Filed 8–8–17; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2017–249; CP2017–250; CP2017–251; CP2017–252; CP2017–253; CP2017–254; CP2017–255; and CP2017–256]

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:* August 14, 2017 (Comment due date applies to CP2017–249; CP2017–250; CP2017–251; CP2017–252; CP2017–253); August 15, 2017 (Comment due date applies to CP2017–254; CP2017–255; CP2017–256).

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.

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I. Introduction

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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).:* CP2017–249; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 3, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 14, 2017.

2. *Docket No(s).:* CP2017–250; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 3, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Kenneth R. Moeller; *Comments Due:* August 14, 2017.

3. *Docket No(s).:* CP2017–251; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 3, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* August 14, 2017.

4. *Docket No(s).:* CP2017–252; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 3, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* August 14, 2017.

5. *Docket No(s).:* CP2017–253; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 3, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* August 14, 2017.

6. *Docket No(s).:* CP2017–254; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 3, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* August 15, 2017

7. *Docket No(s).:* CP2017–255; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 3, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* August 15, 2017

8. *Docket No(s).:* CP2017–256; *Filing Title:* Notice of the United States Postal Service of Filing a Functionally Equivalent Global Plus 1D Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* August 3, 2017; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Christopher C. Mohr; *Comments Due:* August 15, 2017

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2017–16800 Filed 8–8–17; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81309; File No. SR–NYSE–2017–30]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of Longer Period for Commission Action on a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Section 102.01B of the NYSE Listed Company Manual To Provide for the Listing of Companies That List Without a Prior Exchange Act Registration and That Are Not Listing in Connection With an Underwritten Initial Public Offering and Related Changes to Rules 15, 104, and 123D

August 3, 2017.

On June 13, 2017, the New York Stock Exchange LLC (''NYSE'' or the ''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 Section 102.01B of the Manual to modify the provisions relating to the qualification of companies listing without a prior Exchange Act registration and an underwritten offering to permit the listing of such companies immediately upon effectiveness of an Exchange Act registration statement without a concurrent public offering registered under the Securities Act of 1933 provided the company meets all other listing requirements. The proposal, also would (i) eliminate the requirement to have a private placement market trading price if there is a valuation from an independent third-party of $250 million in market value of publicly-held shares; (ii) amend Rule 15 to add a Reference Price for when a security is listed under Footnote (E) to Section 102.01B; (iii) amend Rule 104 to specify Designated Market Maker (''DMM'') requirements when a security is listed under Footnote (E) to Section 102.01B and there has been no trading in the private market for such security; and (iv) amend Rule 123D to specify that the Exchange may declare a regulatory halt in a security that is the subject of an initial listing on the Exchange.

The proposed rule change was published for comment in the **Federal Register** on June 20, 2017.[3] The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 34–80933 (June 15, 2017), 82 FR 28200 (June 20, 2017) (''Notice'').

Commission received one comment in response to the proposed rule change.[4] The Exchange filed Amendment No. 1, which supersedes and replaces the proposed rule change in its entirety, on July 28, 2017.[5]

Section 19(b)(2) of the Act[6] provides that, within 45 days of the publication of the notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by Amendment No. 1. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[7] designates September 18, 2017, as the date by which the Commission should approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change (File No. SR–NYSE–2017–30), as modified by Amendment No. 1.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16741 Filed 8–8–17; 8:45 am]

BILLING CODE 8011–01–P

[4] *See* letter to the Commission from James J. Angel, Ph.D., CFA, Georgetown University, dated July 28, 2017.

[5] Amendment No. 1 removes the proposal to allow the Exchange to declare a regulatory halt in a security that is the subject of an initial public offering, and amends the proposed provisions of Rule 15 and Rule 104 relating to private placement market trading and proposed Rule 123D(d) relating to trading halts for initial listings. Amendment No. 1 is available at *https://www.sec.gov/comments/sr-nyse-2017-30/nyse201730.htm.*

[6] 15 U.S.C. 78s(b)(2).

[7] *Id.*

[8] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81303; File No. SR–NYSEArca–2017–83]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rule 7.37

August 3, 2017.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on July 26, 2017, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to [sic] Rule 7.37 (Order Execution and Routing). The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 7.37 (Order Execution and Routing) to reflect changes to how the Exchange would process MOC/LOC Orders[4] routed to NYSE American LLC (''NYSE American'').[5] Rule 7.37(b)(7)(C) provides that the Exchange rejects requests to cancel or to reduce in size a Market-on-Close Order (''MOC Order'') or a Limit-on-Close Order (''LOC Order'') in NYSE-listed securities or NYSE MKT-listed securities (''NYSE American-listed securities'')[6] that is electronically entered after the time specified in NYSE Rules [sic] 123C(3)(b) and NYSE MKT Rule 123C(3)(b)—Equities (''NYSE American Rule 123C(3)(b)—Equities'')[7] and Supplementary Material .40 to those rules.[8]

The Exchange proposes to amend Rule 7.37(b)(7)(C) to provide that the Exchange would no longer reject requests to cancel or reduce in size MOC/LOC Orders in NYSE American-listed securities. The Exchange is enhancing functionality to coincide with the recent migration of NYSE American to the Pillar trading system. On Pillar, NYSE American no longer processes MOC or LOC Orders under NYSE American Rule 123C—Equities and instead processes such orders under NYSE American Rule 7.35E.[9] Because NYSE American will systemically enforce its requirements by rejecting requests to cancel or requests to cancel

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] A Market-on-Close Order is a Market Order that is to be traded only during the Closing Auction and a Limit-on-Close Order is a Limit Order that is to be traded only during the Closing Auction. *See* Rule 7.31(c)(3) and (4). If the Exchange does not conduct a closing auction in a UTP Security, the Exchange routes MOC/LOC Orders in such a UTP Security to the primary listing market. *See* Rule 7.34(c)(2)(B).

[5] On July 24, 2017, the Exchange's affiliate, NYSE MKT LLC, transitioned to the Pillar trading platform and was renamed NYSE American LLC. *See* Securities Exchange Act Release Nos. 79242 (November 4, 2016), 81 FR 79081 (November 10, 2016) (SR–NYSEMKT–2016–97); 79400 (November 25, 2016), 81 FR 86750 (December 1, 2016) (SR–NYSEMKT–2016–103); 80283 (March 21, 2017), 82 FR 15244 (March 27, 2017) (SR–NYSEMKT–2017–14); and 80748 (May 23, 2017), 82 FR 24764 (May 30, 2017) (SR–NYSEMKT–2017–20).

[6] *See supra,* note 5.

[7] *See supra,* note 5.

[8] NYSE Rule 123C(3)(b) and NYSE American Rule 123C(3)(b)—Equities provide that between 3:45 p.m. and 3:58 p.m., MOC, LOC and CO Orders may be cancelled or reduced in size to correct a legitimate error, and NYSE Rule 123C(3)(c) and NYSE American Rule 123C(3)(c)—Equities provide that MOC, LOC and CO Orders may not be cancelled or adjusted for any reason after 3:58 p.m. unless there is an Extreme Order Imbalance at or Near the Close, as provided in NYSE Rule 123C(9) and NYSE American Rule 123C(9)—Equities. Accordingly, between 3:45 p.m. and 3:58 p.m., NYSE and NYSE American accept requests to cancel MOC and LOC Orders.

[9] NYSE American Rule 7.35E(d)(2)(B) provides that when the Closing Auction Imbalance Freeze begins, NYSE American will reject requests to cancel and requests to cancel and replace MOC Orders and LOC Orders.

and replace [10] a MOC or LOC Order in an NYSE American-listed security, the Exchange will no longer need to monitor the trading behavior on NYSE American. As a result, the Exchange proposes to accept and route all requests to cancel or reduce in size MOC/LOC Orders in NYSE American-listed securities, regardless of the time. The Exchange believes that the proposed changes would provide transparency regarding how requests to cancel orders or reduce in size would be processed on the Exchange.

Because of technology changes associated with this proposed rule change, the Exchange will announce the implementation date by Trader Update, which the Exchange anticipates will be in the third quarter of 2017.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[11] in general, and furthers the objectives of Section 6(b)(5),[12] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that the proposed rule change would promote just and equitable principles of trade, and remove impediments to and perfect the mechanism of a free and open market and a national market system by allowing the Exchange to accept and route requests to cancel or reduce in size MOC Orders and LOC Orders in NYSE American-listed securities regardless of the time. The Exchange believes that the proposed change would remove impediments to and perfect the mechanism of a free and open market and a national market system because now that NYSE American has transitioned to Pillar, NYSE American systemically enforces whether it accepts a request to cancel or reduce in size a MOC or LOC Order, and the Exchange would no longer need to monitor this functionality.

The Exchange further believes that the proposed amendments to Rule 7.37(b)(7)(C) would remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed changes would provide greater clarity regarding how requests to cancel or reduce in size MOC Orders and LOC Orders in NYSE American-listed securities would be processed by the Exchange, thereby promoting transparency and clarity in Exchange rules.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not designed to address any competitive issue but rather to make amendments to Rule 7.37 to reflect differences to how NYSE American processes requests to cancel or reduce in size MOC and LOC Orders on the Pillar trading system.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the 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) of the Act [13] and Rule 19b–4(f)(6) thereunder.[14]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [15] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [16] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that NYSE American has transitioned to the Pillar trading platform and now systemically enforces whether it accepts a request to cancel or reduce in size a MOC or LOC order, so the Exchange no longer needs to monitor this functionality. The Exchange also stated that waiver of the 30-day operative delay would allow it to implement the proposed rule change when the technology supporting the change becomes available, which the Exchange anticipates to be less than 30 days after the date of this filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NYSEArca–2017–83 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2017–83. This file number should be included on the

[10] On the Pillar trading system, to reduce the size of an order, an ETP Holder submits a request to cancel a portion of the order.

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2017–83 and should be submitted on or before August 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16737 Filed 8–8–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32774; 812–14792]

Sage Advisory Services LTD Co. and Northern Lights Fund Trust IV

August 4, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice.

ADDRESSES: Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: The Initial Adviser, 5900 Southwest Parkway, Building 1, Suite 100, Austin, Texas 78735–6202; the Trust, 17605 Wright Street, Omaha, NE 68130.

FOR FURTHER INFORMATION CONTACT: Rochelle Kauffman Plesset, Senior Counsel, at (202) 551–6840, or David J. Marcinkus, Branch Chief, at (202) 551–6882 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: Notice of an application for an order under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from sections 2(a)(32), 5(a)(1), 22(d), and 22(e) of the Act and rule 22c–1 under the Act, under sections 6(c) and 17(b) of the Act for an exemption from sections 17(a)(1) and 17(a)(2) of the Act, and under section 12(d)(1)(J) for an exemption from sections 12(d)(1)(A) and 12(d)(1)(B) of the Act. The requested order would permit (a) index-based series of certain open-end management investment companies (''Funds'') to issue shares redeemable in large aggregations only (''Creation Units''); (b) secondary market transactions in Fund shares to occur at negotiated market prices rather than at net asset value (''NAV''); (c) certain Funds to pay redemption proceeds, under certain circumstances, more than seven days after the tender of shares for redemption; (d) certain affiliated persons of a Fund to deposit securities into, and receive securities from, the Fund in connection with the purchase and redemption of Creation Units; and (e) certain registered management investment companies and unit investment trusts outside of the same group of investment companies as the Funds (''Funds of Funds'') to acquire shares of the Funds.

Applicants: Sage Advisory Services LTD Co. (the ''Initial Adviser''), a Texas limited liability company that is registered as an investment adviser under the Investment Advisers Act of 1940 and Northern Lights Fund Trust IV, (the ''Trust''), a Delaware statutory trust registered under the Act as an open-end management investment company with multiple series.

Filing Date: The application was filed on June 29, 2017.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on August 30, 2017, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or for an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would allow Funds to operate as index exchange traded funds (''ETFs'').[1] Fund shares will be purchased and redeemed at their NAV in Creation Units only. All orders to purchase Creation Units and all redemption requests will be placed by or through an ''Authorized Participant'', which will have signed a participant agreement with the Distributor. Shares will be listed and traded individually on a national securities exchange, where share prices will be based on the current bid/offer market. Any order granting the requested relief would be subject to the terms and conditions stated in the application.

2. Each Fund will hold investment positions selected to correspond generally to the performance of an Underlying Index. In the case of Self-Indexing Funds, an affiliated person, as defined in section 2(a)(3) of the Act (''Affiliated Person''), or an affiliated person of an Affiliated Person (''Second-Tier Affiliate''), of the Trust or a Fund, of the Adviser, of any sub-adviser to or promoter of a Fund, or of the Distributor will compile, create, sponsor or maintain the Underlying Index.[2]

3. Shares will be purchased and redeemed in Creation Units and generally on an in-kind basis. Except

[18] 17 CFR 200.30–3(a)(12).

[1] Applicants request that the order apply to the new series of the Trust and any additional series of the Trust, and any other open-end management investment company or series thereof (each, included in the term ''Fund''), each of which will operate as an ETF and will track a specified index comprised of domestic or foreign equity and/or fixed income securities (each, an ''Underlying Index''). Any Fund will (a) be advised by the Initial Adviser or an entity controlling, controlled by, or under common control with the Initial Adviser (each, an ''Adviser'') and (b) comply with the terms and conditions of the application.

[2] Each Self-Indexing Fund will post on its Web site the identities and quantities of the investment positions that will form the basis for the Fund's calculation of its NAV at the end of the day. Applicants believe that requiring Self-Indexing Funds to maintain full portfolio transparency will help address, together with other protections, conflicts of interest with respect to such Funds.

where the purchase or redemption will include cash under the limited circumstances specified in the application, purchasers will be required to purchase Creation Units by depositing specified instruments (''Deposit Instruments''), and shareholders redeeming their shares will receive specified instruments (''Redemption Instruments''). The Deposit Instruments and the Redemption Instruments will each correspond pro rata to the positions in the Fund's portfolio (including cash positions) except as specified in the application.

4. Because shares will not be individually redeemable, applicants request an exemption from section 5(a)(1) and section 2(a)(32) of the Act that would permit the Funds to register as open-end management investment companies and issue shares that are redeemable in Creation Units only.

5. Applicants also request an exemption from section 22(d) of the Act and rule 22c–1 under the Act as secondary market trading in shares will take place at negotiated prices, not at a current offering price described in a Fund's prospectus, and not at a price based on NAV. Applicants state that (a) secondary market trading in shares does not involve a Fund as a party and will not result in dilution of an investment in shares, and (b) to the extent different prices exist during a given trading day, or from day to day, such variances occur as a result of third-party market forces, such as supply and demand. Therefore, applicants assert that secondary market transactions in shares will not lead to discrimination or preferential treatment among purchasers. Finally, applicants represent that share market prices will be disciplined by arbitrage opportunities, which should prevent shares from trading at a material discount or premium from NAV.

6. With respect to Funds that effect creations and redemptions of Creation Units in kind and that are based on certain Underlying Indexes that include foreign securities, applicants request relief from the requirement imposed by section 22(e) in order to allow such Funds to pay redemption proceeds within fifteen calendar days following the tender of Creation Units for redemption. Applicants assert that the requested relief would not be inconsistent with the spirit and intent of section 22(e) to prevent unreasonable, undisclosed or unforeseen delays in the actual payment of redemption proceeds.

7. Applicants request an exemption to permit Funds of Funds to acquire Fund shares beyond the limits of section 12(d)(1)(A) of the Act; and the Funds, and any principal underwriter for the Funds, and/or any broker or dealer registered under the Exchange Act, to sell shares to Funds of Funds beyond the limits of section 12(d)(1)(B) of the Act. The application's terms and conditions are designed to, among other things, help prevent any potential (i) undue influence over a Fund through control or voting power, or in connection with certain services, transactions, and underwritings, (ii) excessive layering of fees, and (iii) overly complex fund structures, which are the concerns underlying the limits in sections 12(d)(1)(A) and (B) of the Act.

8. Applicants request an exemption from sections 17(a)(1) and 17(a)(2) of the Act to permit persons that are Affiliated Persons, or Second Tier Affiliates, of the Funds, solely by virtue of certain ownership interests, to effectuate purchases and redemptions in-kind. The deposit procedures for in-kind purchases of Creation Units and the redemption procedures for in-kind redemptions of Creation Units will be the same for all purchases and redemptions and Deposit Instruments and Redemption Instruments will be valued in the same manner as those investment positions currently held by the Funds. Applicants also seek relief from the prohibitions on affiliated transactions in section 17(a) to permit a Fund to sell its shares to and redeem its shares from a Fund of Funds, and to engage in the accompanying in-kind transactions with the Fund of Funds.[3] The purchase of Creation Units by a Fund of Funds directly from a Fund will be accomplished in accordance with the policies of the Fund of Funds and will be based on the NAVs of the Funds.

9. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16795 Filed 8–8–17; 8:45 am]

BILLING CODE 8011–01–P

[3] The requested relief would apply to direct sales of shares in Creation Units by a Fund to a Fund of Funds and redemptions of those shares. Applicants, moreover, are not seeking relief from section 17(a) for, and the requested relief will not apply to, transactions where a Fund could be deemed an Affiliated Person, or a Second-Tier Affiliate, of a Fund of Funds because an Adviser or an entity controlling, controlled by or under common control with an Adviser provides investment advisory services to that Fund of Funds.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81311; File No. SR–NASDAQ–2017–074]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing of Proposed Rule Change To Adopt the Midpoint Extended Life Order

August 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 21, 2017, The NASDAQ Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I 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 adopt the Midpoint Extended Life Order.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaq.cchwallstreet.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The U.S. equities markets are the envy of the world because they are singularly effective at attracting and allocating capital to innovative companies that create millions of jobs and trillions of dollars of shareholder value, companies like Apple, Google, Facebook, Amazon, Cisco Systems, Gilead, and thousands of other Nasdaq issuers. As the listing venue and the steward of the market on which they are listed, Nasdaq is compelled to make innovative changes to better the quality of the market, to the benefit of issuers and the people that invest in issuers' securities.

As discussed in detail below, Nasdaq is proposing to adopt the Midpoint Extended Life Order as a new Order Type [3] available to all members, and by extension to their customers, which will reward market participants that commit to a minimum half-second period (''Holding Period''), during which their order remains unchanged. Midpoint Extended Life Orders provide a mechanism by which market participants may receive a midpoint execution with other Midpoint Extended Life Orders that have also met the same Holding Period requirement. Like Nasdaq's Extended Life Order Attribute,[4] Nasdaq is continuing its drive to provide innovative solutions to increase participation on the market by a broader array of investors. Nasdaq proposed the Extended Life Order Attribute as a first step in broadening participation on the market by providing priority to retail orders that often have longer term investment horizons. The Extended Life Order Attribute provides retail market participants a mechanism by which they have more opportunity to participate effectively at the prevailing market price when transactions occur. Nasdaq is now proposing a new Order Type that will allow *all* market participants to more effectively execute longer term investment strategies—the Midpoint Extended Life Order.

Background

The Exchange operates based on a price/display/time priority execution algorithm.[5] Simply put, the first displayed order at a price has priority over the next order and so on (this is also sometimes referred to as ''First In First Out'' or ''FIFO''). All displayed orders have priority over non-displayed orders at a price level. Midpoint Orders are non-displayed [6] and allow participants to receive price improvement by executing against other non-displayed liquidity at the midpoint of the National Best Bid and Offer (''NBBO''). Nasdaq believes that some market participants that are looking for executions at the midpoint often have a longer investment horizon (*i.e.,* long term investors), many of which are seeking both the best execution possible at the midpoint of the NBBO and are not necessarily measuring execution quality solely by each tick by tick change in market price. Some of these market participants with large-sized Orders are seeking to gain such an execution while minimizing market impact.

Over time, as order placement competition on Nasdaq has grown, the time that it takes for market participants to react to changes in the markets has decreased significantly. In addition, orders that access resting liquidity on exchanges have decreased in size due to the fragmented nature of the broader market and the adoption of algorithmic trading. As a result of this decrease in reaction time and size of orders, Nasdaq, and the equities markets in general, have become incredibly efficient. The nature of today's equities markets, however, have made it difficult for certain market participants that have longer term investment horizons and that focus on minimizing market impact rather than optimizing for queue placement. This is particularly true for market participants that are attempting to trade large-sized Orders.[7]

Nasdaq weighed various ideas on how to augment the interaction on Nasdaq to meet the needs of these underserved market participants. Nasdaq believes that it is better to provide incentives that protect midpoint Orders by improving execution quality without impacting the ability to manage risk and to reduce the potential for order adjustment and cancellation, rather than apply blanket artificial latency mechanisms that apply to *all* Orders, which may distort or have unintended consequences on market quality such as disadvantaging displayed Orders. Nasdaq is proposing to address the needs of market participants that focus their trading on receiving midpoint execution where time to execution is less important when working to meet their long term investment needs. As discussed in detail below, Nasdaq is proposing to provide the Midpoint Extended Life Order as a voluntary option by which these market participants may participate on Nasdaq in return for allowing their orders to exist unchanged for a certain time.

Proposal

The Exchange is proposing to adopt a new Order Type that will allow all market participants that are less concerned with time to execution to receive executions at the midpoint of the NBBO, while deemphasizing speed as a factor in achieving the execution. Specifically, the Midpoint Extended Life Order is an Order Type with a Non-

[3] The term ''Order'' means an instruction to trade a specified number of shares in a specified System Security submitted to the Nasdaq Market Center by a Participant. An ''Order Type'' is a standardized set of instructions associated with an Order that define how it will behave with respect to pricing, execution, and/or posting to the Nasdaq Book when submitted to Nasdaq. An ''Order Attribute'' is a further set of variable instructions that may be associated with an Order to further define how it will behave with respect to pricing, execution, and/or posting to the Nasdaq Book when submitted to Nasdaq. The available Order Types and Order Attributes, and the Order Attributes that may be associated with particular Order Types, are described in Rules 4702 and 4703. One or more Order Attributes may be assigned to a single Order; provided, however, that if the use of multiple Order Attributes would provide contradictory instructions to an Order, the System will reject the Order or remove non-conforming Order Attributes. *See* Rule 4701(e).

[4] *See* Securities Exchange Act Release No. 81097 (July 7, 2017), 82 FR 32386 (July 13, 2017) (SR–NASDAQ–2016–161).

[5] *See* Rule 4757.

[6] Display is an Order Attribute that allows the price and size of an Order to be displayed to market participants via market data feeds. Certain Order Types may be non-displayed if they are not assigned a Display Order Attribute, and all non-displayed Orders may be referred to as ''Non-Displayed Orders.'' In contrast, an Order with a Display Order Attribute may be referred to as a ''Displayed Order.'' *See* Rule 4703(k).

[7] Nasdaq notes that market participants with large-sized Orders and that are not necessarily monitoring small changes in the NBBO or time to execution, include ''Institutional'' investors. Institutional investors are generally characterized as large entities that make investments on behalf of their owners or investors, such as pension funds and mutual funds. Nonetheless, Nasdaq believes that Midpoint Extended Life Orders will provide benefit to a wide array of market participants. As noted above, Midpoint Extended Life Orders are available to all Nasdaq members.

Display Order Attribute [8] that is priced at the midpoint between the NBBO and that will not be eligible to execute until the Holding Period of one half of a second has passed after acceptance of the Order by the System.[9] The Holding Period represents a level of market risk that the market participant has assumed in order to receive a midpoint execution with other Midpoint Extended Life Orders, which have also met the Holding Period requirement. Moreover, the Holding Period mitigates risk that a market participant may attempt to access other Midpoint Extended Life Orders just prior to a move in the NBBO, thereby potentially negatively affecting the price at which the contra-side Midpoint Extended Life Order would receive. In order to allow members to effectively manage risk, a Midpoint Extended Life Order may be cancelled at any time.

Once a Midpoint Extended Life Order becomes eligible to execute by existing unchanged for the Holding Period, the Order may only execute against other eligible Midpoint Extended Life Orders. Like other midpoint pegged Orders,[10] once the Midpoint Extended Life Order is eligible, a buy (sell) Midpoint Extended Life Order will be ranked in time order at the midpoint among other buy (sell) Midpoint Extended Life Orders. As discussed above, limiting interaction of Midpoint Extended Life Orders to other Midpoint Extended Life Orders mitigates the impact that these orders will have on the market and allows market participants entering such orders an increased chance of receiving a full execution at the midpoint of the NBBO at a given time. Importantly, limiting interaction of Midpoint Extended Life Orders ensures fairness because all Midpoint Extended Life Orders have met the same Holding Period requirement, thereby ensuring that members with Midpoint Extended Life Order are not disadvantaged by non-Midpoint Extended Life Orders entered by participant that have the benefit of knowing, and reacting to, the current state of the market.

A Midpoint Extended Life Order may be assigned a limit price. A limit price restricts the price at which an order may execute such that an order to sell may not execute below a certain price and an order to buy may not execute above a certain price. If a market participant assigns a limit price to its Midpoint Extended Life Order, the Order will be: (1) Eligible for execution in time priority if upon acceptance of the Order by the System and during the Holding Period thereafter, the midpoint price is within the limit set by the participant; or (2) held until the midpoint falls within the limit set by the participant at which time the Holding Period will commence and thereafter the System will make the Order eligible for execution in time priority if the midpoint price remains within the limit set by the participant during the Holding Period. For example, if the Best Bid was $11 and the Best Offer was $11.06, the price of the Midpoint Extended Life Order would be $11.03. If a participant enters a Midpoint Extended Life Order to buy with a limit of $11.02, the Holding Period would not begin until the midpoint price is executable at $11.02 (*i.e.,* the midpoint of the NBBO).[11] If a member takes an action on the Order (*e.g.,* amend, revise) the System will re-start the clock based on the same criteria.

Similar to other Orders with midpoint pegging,[12] Midpoint Extended Life Orders are only available for execution during Market Hours [13] and they may not be designated with a time-in-force of Immediate or Cancel (IOC),[14] since the IOC Time In Force, by its nature, are [sic] inconsistent with the Holding Period requirement of the proposal. If a Midpoint Extended Life Order is entered during Pre-Market Hours,[15] the System will hold the Order until completion of the Opening Cross, ranked in the time that it was received. If a Midpoint Extended Life Order is entered during Post-Market Hours,[16] it will be rejected by the System. Midpoint Extended Life Orders are not eligible for the Nasdaq Opening, Halt and Closing Crosses, and any Midpoint Extended Life Orders that have not been executed by the end of Market Hours will be cancelled.[17] Midpoint Extended Life Orders in existence at the time a Halt Cross is initiated will be ineligible to execute and held by the System until trading has resumed and the NBBO has been received by Nasdaq. Also, like other Orders with midpoint pegging, a Midpoint Extended Life Order may be executed in sub-pennies if necessary to obtain a midpoint price.[18] Last, a Midpoint Extended Life Order must be entered with a size of at least one round lot, which will promote size in Midpoint Extended Life Orders and provide members with the most efficient processing of Midpoint Extended Life Orders. Any shares of a Midpoint Extended Life Order remaining after an execution that are less than a round lot will be cancelled by the System.

A Midpoint Extended Life Order may have a Minimum Quantity Order Attribute.[19] Like other Orders with a Minimum Quantity Order Attribute, if an eligible Midpoint Extended Life Order has a Minimum Quantity Order Attribute and an eligible contra-side Midpoint Extended Life Order does not meet the quantity requirement, neither Order will execute. If another Midpoint Extended Life Order is ranked in priority behind the Midpoint Extended Life Order with a Minimum Quantity Order Attribute, it will execute against the contra-interest instead, if it is otherwise marketable.

As discussed above, unlike certain delay mechanisms available on other exchanges, use of the proposed Midpoint Extended Life Order is wholly voluntary, and thus does not subject all members to the Holding Period. As a consequence, there is no distortive impact on market data as Midpoint Extended Life Order would be trade reported like any other Order. Moreover, members will not need to take any special steps to implement Midpoint Extended Life Orders, since it is an Order Type. In this regard, members, Securities Information Processors and market data consumers will not need to make any changes to their systems to account for Midpoint Extended Life Orders in market data because they will

[8] *See* note 6, *supra.*

[9] As noted above, a Midpoint Extended Life Order must remained [sic] unchanged for the Holding Period. If a Midpoint Extended Life Order is modified by a member during the Holding Period, the System will restart the Holding Period.

[10] *See also* Rule 4703(d).

[11] If a Midpoint Extended Life Order has met the Holding Period requirement but the midpoint is no longer within its limit, it will nonetheless be ranked in time priority among other Midpoint Extended Life Orders if the NBBO later moves such that it is within the Order's limit price.

[12] *See, e.g.,* Rule 4702(b)(5); *see also* Rule 4703(d).

[13] Market Hours begin after the completion of the Nasdaq Opening Cross (or at 9:30 a.m. ET in the case of a security for which no Nasdaq Opening Cross occurs). *See* Rule 4703(a). Nasdaq limits midpoint orders to Market Hours because, among other things, it believes that demand for such Orders is limited to Market Hours, since the wider spreads generally prevail during Pre-Market and Post-Market Hours trading sessions. *See* notes 15 and 16, *infra.* Wider spreads would result in execution prices more at variance from the NBBO than would be the case during Market Hours.

[14] *See* Rule 4703(a)(1).

[15] The term ''Pre-Market Hours'' means the period of time beginning at 4:00 a.m. ET and ending immediately prior to the commencement of Market Hours. *See* Rule 4701(g).

[16] The term ''Post-Market Hours'' means the period of time beginning immediately after the end of Market Hours and ending at 8:00 p.m. ET. *See* Rule 4701(g).

[17] *See* Rule 4703(d).

[18] *Id.* A sub-penny limit price entered by a member would not be accepted by the System.

[19] Minimum Quantity is an Order Attribute that allows a Participant to provide that an Order will not execute unless a specified minimum quantity of shares can be obtained. A Participant may designate that the minimum quantity condition be satisfied by execution against multiple Orders or a single Order. *See* Rule 4703(e).

be reported the same as other midpoint Orders, without any new or special indication. In sum, the Midpoint Extended Life Order is a simple mechanism by which Nasdaq can broaden its ecosystem of participants with little impact to the operation of the markets.

Implementation

Nasdaq plans to implement Midpoint Extended Life Orders within thirty days after Commission approval of the proposal. Nasdaq will make the Midpoint Extended Life Order available to all members and to all securities upon implementation. Nasdaq will announce the implementation date by Equity Trader Alert.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[20] in general, and furthers the objectives of Section 6(b)(5) of the Act,[21] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. Nasdaq believes that the proposed change is consistent with this provision of the Act because it is emblematic of a core function of a national securities exchange, namely matching buyers and sellers of securities on a transparent and well-regulated market, and helping these buyers and sellers come together to receive the best execution possible. Nasdaq is achieving this by permitting Midpoint Extended Life Orders to execute solely against other Midpoint Extended Life Orders at the midpoint of the NBBO in return for providing market-improving behavior in the form of a longer-lived midpoint order. As noted above, Nasdaq believes that programmatic or intentional delays for all incoming Orders irrespective of trading objectives and regardless as to whether it is displayed or non-displayed, insert complexity into the market and are detrimental to overall market structure. By contrast, Nasdaq's proposal seeks to provide a simple mechanism by which market participants with longer investment horizons are able to source liquidity at the midpoint of the NBBO. Importantly, Midpoint Extended Life Orders will be available to all members, yet are wholly voluntary.

The proposed Midpoint Extended Life Order will provide members an opportunity to execute at the midpoint, only interacting with other Midpoint Extended Life Orders, in return for allowing their Orders to remain unchanged for the Holding Period. As Nasdaq has noted before, a great deal of the liquidity that is provided on exchanges is from market makers and automated liquidity providers, who have invested in technology and efficiency, which has resulted in many positive developments such as deep and liquid markets. Nasdaq is implementing Midpoint Extended Life Orders to increase access to, and participation on, Nasdaq for investors that are less concerned with time to execution, but rather are looking to source liquidity, often in greater size, at the midpoint of the NBBO against a contra-party Order that has met the same objectives. Currently, these market participants are underweighted or do not represent these Orders on Nasdaq, and the Midpoint Extended Life Order will provide additional tools to allow them to more effectively implement their investment strategies. Additionally, Midpoint Extended Life Orders will provide these participants with the many benefits provided by a well-regulated exchange, including transparency through publicly available rules, certainty surrounding trade execution, and market surveillance. Midpoint Extended Life Orders is wholly voluntary, available to all members, and does not subject all members to the Holding Period regardless of time horizon or investment objective, unlike certain delay mechanisms available on other exchanges. The Midpoint Extended Life Order is a simple mechanism by which Nasdaq can broaden its ecosystem of participants with little impact to the operation of the markets.

The Exchange believes that markets and price discovery best function through the interactions of a diverse set of market participants. The Exchange also believes that the evolution of the markets which have brought many beneficial efficiencies have also made it difficult for some market participants to participate on the Exchange. The differentiation proposed herein by Nasdaq is not designed to permit unfair discrimination, but instead to promote increased participation on the Exchange by market participants that find it difficult to do so today and provide improved execution quality for market participants that are less concerned with time to execution. The Exchange believes that the transparency and competitiveness of offering Midpoint Extended Life Orders on a registered national securities exchange will result in a better execution experience for all investors.

The Exchange notes that other market participants that enter orders that would otherwise be eligible to execute against a midpoint order will not be able to execute against a Midpoint Extended Life Order. The Exchange believes that this is not unfairly discriminatory because any market participant may enter a Midpoint Extended Life Order, thereby providing them access to other Midpoint Extended Life Orders. The Exchange notes that the statutory standard under Section 6(b)(5) of the Act is that the proposed change not discriminate unfairly. Nasdaq does not believe that providing an Order Type available to all members discriminates unfairly. To the contrary, Nasdaq believes that the Midpoint Extended Life Order will provide members with choice and more opportunities to interact on Nasdaq. Moreover, Nasdaq believes that much of the Midpoint Extended Life Orders will be entered by participants that typically do not enter Orders on Nasdaq for the reasons noted above. As a consequence, the Exchange does not believe that the current depth of liquidity on the Nasdaq will be impacted negatively, but rather Midpoint Extended Life Orders will provide members with the opportunity to interact in new ways on the Exchange. Consequently, the Exchange does not believe the proposed change discriminates unfairly.

The Exchange also believes that the proposal will improve the ecosystem of market participants on Nasdaq. Midpoint orders generally provide price improvement to both sides to a trade, with each party sharing the ''spread'' between the bid and ask. Midpoint Extended Life Orders will also provide this benefit, but in a manner that will allow the market participants to execute against other Midpoint Extended Life Orders that have met the same Holding Period criteria. Since both sides of a Midpoint Extended Life Order execution are subject to the Holding Period, it does not discriminate or provide unfair advantages to either side of the trade. This mechanism will ensure that the Midpoint Extended Life Order is fair, by not allowing a side to the transaction to have an advantage based on timing. Moreover, the Exchange believes that Midpoint Extended Life Orders should draw new market participants to Nasdaq's transparent and well-regulated market. Nasdaq, like other national securities exchanges, is subject to the requirements of the Exchange Act, is regulated by the Commission, is subject to inspection by the Commission, and

[20] 15 U.S.C. 78f(b).

[21] 15 U.S.C. 78f(b)(5).

must have transparent and fair rules applied to all of its members.

Nasdaq believes that requiring Midpoint Extended Life Orders to exist unaltered for at least one half a second is a meaningful time, representing a significant level of risk taken by the market participant in return for the ability to receive a midpoint execution with other Midpoint Extended Life Orders, which have also met the Holding Period requirement. Although, one could argue that every stock is unique in the amount of time that represents a meaningful level of risk, the Exchange believes that implementing a program with individualized time requirements would be overly complex and would ultimately be too cumbersome for the industry to adopt. The Exchange came to the same conclusion in designing the requirements of the ELO Order Attribute. As Nasdaq noted in its ELO Order Attribute proposal, the concept of rewarding market participants that provide Orders that live for a certain minimum time is currently used in Canada by the Toronto Stock Exchange. Named the ''Long Life'' order type, it is designed to enhance the quality of execution for natural investors and their dealers by rewarding those willing to commit liquidity to the book for a minimum period of time and by enabling participants to gain priority in return for a longer resting time.[22] Compliance with the Holding Period will be enforced by the System, and transactions in Midpoint Extended Life Orders will be reported to the Securities Information Processor and will be provided in Nasdaq's proprietary data feed in the same manner as all other transactions occurring on Nasdaq are done currently, namely, without any new or special indication that it is a Midpoint Extended Life Order execution.

As stated previously, the Exchange believes that the proposed change will benefit market participants that have longer term investment horizons and that often seek liquidity at the midpoint of the NBBO. Moreover, Nasdaq does not believe that the proposed Midpoint Extended Life Order will negatively affect the quality of the market because the Exchange anticipates the Order Type will draw new market participants to the Exchange, which are currently underserved. If the Exchange is incorrect, there are many substitutes in the market where market participants can send their orders. There are twelve other exchanges, over thirty registered Alternative Trading Systems, and many other non-registered off-exchange trading platforms, which a participant may choose to use if the execution quality on Nasdaq suffers due to the introduction of Midpoint Extended Life Orders.

As the Commission noted in approving the exchange application of Investors Exchange LLC, the Exchange Act does not foreclose reasonable and not unfairly discriminatory innovations, including those that are designed to protect investors who seek to reliably place passive, non-displayed pegged orders on an exchange.[23] For the reasons noted above, Nasdaq believes that the proposed Midpoint Extended Life Order further perfects the mechanism of a free and open market, promotes competition, broadens participation on Nasdaq, and considers the cost/benefit of implementation.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq recognizes that participants that invest in capabilities that allow them to drive price formation by repeatedly improving the NBBO on the Exchange bring tremendous value to the market by providing efficient prices, lowering costs for individual investors, and supporting price formation and stability for securities listed on Nasdaq and other U.S. exchanges. Nasdaq believes that Midpoint Extended Life Orders can coexist with existing participation strategies on Nasdaq to the benefit of all Exchange participants. As discussed above, the Exchange believes that the Midpoint Extended Life Order will draw new market participants to Nasdaq, with which existing market participants may interact by using the Midpoint Extended Life Order. For this reason, Nasdaq does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Rather, Nasdaq believes that the proposed change increases competition and therefore improves participation by allowing certain market participants that may currently be underserved on regulated exchanges to compete based on elements other than speed. Specifically, the proposed change will allow market participants that have not invested in limit order queue placement but rather take risk by allowing their midpoint Order to exist unchanged for the Holding Period to have the ability to execute against other such Orders that have rested unchanged for the same duration. Although market participants that choose not to submit Midpoint Extended Life Orders will not have the opportunity to interact with such Orders, Nasdaq notes that this is solely the choice of the member since the Midpoint Extended Life Order is available to all members but its use is not compulsory. Additionally, adoption of Midpoint Extended Life Orders will not burden any market participants, including those that choose not to use these Orders, because no changes need to be made to their systems to account for Midpoint Extended Life Orders. As discussed above, Midpoint Extended Life Orders will be reported the same as other midpoint Orders, without any new or special indicator.

The Exchange believes that increasing participation on Nasdaq will always serve to improve the overall ecosystem on the Exchange. To the extent that the proposal can bring additional order flow from different segments of the market with different long term investment goals to the Exchange, all market participants will benefit. Thus, the aim of the Proposal is not to disadvantage any one set of market participant, but rather to promote a healthy and inclusive market that will benefit all market participants, including those that currently contribute significant liquidity to the Exchange. Nasdaq believes Midpoint Extended Life Orders will provide a mechanism by which certain market participants that struggle to receive a midpoint execution at the NBBO at any given moment the opportunity to receive such an execution, while also providing existing participants an opportunity to interact with these new participants through a Midpoint Extended Life Order.

The Exchange notes that it operates in a highly competitive market in which market participants can readily choose between competing venues if they deem participation in Nasdaq's market is no longer desirable. In such an environment, the Exchange must carefully consider the impact that any change it proposes may have on its participants, understanding that it will likely lose participants to the extent a change is viewed as unfavorable by them. Because competitors are free to modify the incentives and structure of their markets, the Exchange believes that the degree to which modifying the market structure of an individual market may impose any burden on competition is limited. Last, to the extent the proposed change is successful in attracting additional market

[22] *See https://www.tmx.com/newsroom/press-releases?id=352; see also http://www.osc.gov.on.ca/documents/en/Marketplaces/xxr-tsx_20150818_amd-rule-book-policies.pdf* (Notice of Approval).

[23] *See* Securities Exchange Act Release No. 78101 (June 17, 2016), 81 FR 41142, 41157 (June 23, 2016) (File No. 10–222).

participants, Nasdaq also believes that the proposed change will promote competition among trading venues by making Nasdaq a more attractive trading venue for long-term investors and therefore capital formation.

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

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–NASDAQ–2017–074 on the subject line.

Paper Comments

- Send paper comments in triplicate to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2017–074. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASDAQ–2017–074 and should be submitted on or before August 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[24]

Eduardo A. Aleman,

Assistant Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81312; File No. SR–MRX–2017–13)

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Ports That Members Use To Connect to the Exchange

August 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 20, 2017, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The 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 (1) establish ports that members use to connect to the Exchange with the migration of the Exchange's trading system to the Nasdaq INET architecture, and (2) amend the Schedule of Fees to adopt fees for those ports.

The text of the proposed rule change is available on the Exchange's Web site at *www.ise.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to: (1) Establish ports that members use to connect to the Exchange with the migration of the Exchange's trading system to the Nasdaq INET architecture,[3] and (2) amend the Schedule of Fees to adopt fees for those ports. In particular, the Exchange proposes to establish and adopt fees for the following connectivity options that are available in connection with the re-platform of the Exchange's trading system: Specialized Quote Feed (''SQF''), SQF Purge, Ouch to Trade Options (''OTTO''), Clearing Trade Interface (''CTI''), Financial Information eXchange (''FIX''), FIX Drop, and Disaster Recovery. These port options, which are described in more detail below, are the same as those currently used to connect to the Exchange's affiliates, including Nasdaq GEMX, LLC (''GEMX''), Nasdaq Phlx (''Phlx''),

[24] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 80815 (May 30, 2017), 82 FR 25827 (June 5, 2017) (SR–MRX–2017–02).

Nasdaq Options Market (''NOM''), and Nasdaq BX (''BX'').[4]

1. Specialized Quote Feed Port

SQF is an interface that allows market makers to connect and send quotes, sweeps and auction responses into the Exchange. Data includes the following: (1) Options Auction Notifications (*e.g.,* opening imbalance, Flash, PIM, Solicitation and Facilitation or other information); (2) Options Symbol Directory Messages; (3) System Event Messages (*e.g.,* start of messages, start of system hours, start of quoting, start of opening); (4) Option Trading Action Messages (*e.g.,* halts, resumes); (5) Execution Messages; (6) Quote Messages (quote/sweep messages, risk protection triggers or purge notifications).

2. SQF Purge Port

SQF Purge is a specific port for the SQF interface that only receives and notifies of purge requests from the market maker. Dedicated SQF Purge Ports enable market makers to seamlessly manage their ability to remove their quotes in a swift manner.

3. Ouch to Trade Options Port

OTTO is an interface that allows market participants to connect and send orders, auction orders and auction responses into the Exchange. Data includes the following: (1) Options Auction Notifications (*e.g.,* Flash, PIM, Solicitation and Facilitation or other information); (2) Options Symbol Directory Messages; (3) System Event Messages (*e.g.,* start of messages, start of system hours, start of quoting, start of opening); (5) Option Trading Action Messages (*e.g.,* halts, resumes); (6) Execution Messages; (7) Order Messages (order messages, risk protection triggers or purge notifications).

4. Clearing Trade Interface Port

CTI is a real-time clearing trade update message that is sent to a member after an execution has occurred and contains trade details. The message containing the trade details is also simultaneously sent to The Options Clearing Corporation. The information includes, among other things, the following: (i) The Clearing Member Trade Agreement or ''CMTA'' or The Options Clearing Corporation or ''OCC'' number; (ii) Exchange badge or house number; (iii) the Exchange internal firm identifier; and (iv) an indicator which will distinguish electronic and non-electronically delivered orders; (v) liquidity indicators and transaction type for billing purposes; (vi) capacity.

5. Financial Information eXchange Port

FIX is an interface that allows market participants to connect and send orders and auction orders into the Exchange. Data includes the following: (1) Options Symbol Directory Messages; (2) System Event Messages (*e.g.,* start of messages, start of system hours, start of quoting, start of opening); (3) Option Trading Action Messages (*e.g.,* halts, resumes); (4) Execution Messages; (5) Order Messages (order messages, risk protection triggers or purge notifications).

6. FIX Drop Port

FIX Drop is a real-time order and execution update message that is sent to a member after an order been received/modified or an execution has occurred and contains trade details. The information includes, among other things, the following: (1) Executions; (2) cancellations; (3) modifications to an existing order (4) busts or post-trade corrections.

7. Disaster Recovery Port

Disaster Recovery ports provide connectivity to the exchange's disaster recovery systems to be utilized in the event the exchange has to fail over during the trading day. DR Ports are available for SQF, SQF Purge, CTI, OTTO, FIX and FIX Drop.

8. Fees

Currently, the Exchange does not charge any port fees. With the re-platform of the Exchange's trading system, the Exchange will now be offering a new set of ports for connecting to the Exchange as described in more detail above. The Exchange therefore proposes to adopt fees for these connectivity options, which will initially be $0 per port per month.[5] The Exchange believes that it is appropriate to provide these connectivity options without charge during this initial migration period until the Exchange has enough experience with these ports to begin charging. In addition, adding these fees to the Schedule of Fees now will alert members to the fact that they will not be charged for access through these new connectivity options at this time.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act'')[6] in general, and furthers the objectives of Section 6(b)(5) of the Act[7] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. In addition, the Exchange believes that the proposed fees being adopted for INET ports are consistent with the provisions of Section 6 of the Act,[8] in general, and Section 6(b)(4) of the Act,[9] in particular, in that they are designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

The Exchange believes that the proposed rule change is consistent with the protection of investors and the public interest as it establishes ports used to connect to the MRX INET trading system. The Exchange's offerings are changing with the re-platform as the ports used by INET differ from those used to connect to the T7 trading system. Market participants that connect to the INET trading system may use the following connectivity options mentioned above: SQF, SQF Purge, OTTO, CTI, FIX, FIX Drop, and Disaster Recovery. These connectivity options are the same as those currently used by the Exchange's affiliates, and therefore offer a familiar experience for market participants. The ports described in this filing provide a range of important features to market participants, including the ability to submit orders and quotes and perform other functions necessary to manage trading on the Exchange. The Exchange believes that filing to establish these port options will increase transparency to market participants regarding connectivity options provided by the Exchange.

Finally, the Exchange believes that it is reasonable and equitable to adopt fees for the various ports used to connect to the Exchange's new INET trading system. As explained above, the ports that will be used to connect to the INET trading system are generally the same as those currently used by the Exchange's affiliates. The Exchange has determined to offer these connectivity options free of cost for the time being in order to aid in the migration of the Exchange's trading system to INET technology.

[4] *See* GEMX Schedule of Fees, IV. Access Services, Port Fees, 4. Ports; Phlx Pricing Schedule, VII. Other Member Fees, B. Port Fees; NOM Rules, Chapter XV Options Pricing, Sec. 3 NOM—Ports and other Services; BX Rules, Chapter XV Options Pricing, Sec. 3 BX—Ports and other Services.

[5] Fees apply only to connectivity to the MRX INET trading system.

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78f.

[9] 15 U.S.C. 78f(b)(4).

Adding these fees to the Schedule of Fees will clarify to members that they will not have to pay for access to both T7 and INET trading systems. The Exchange also does not believe that the proposed fee change is unfairly discriminatory as each of the proposed port fees are initially proposed to be free of charge for all members.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[10] 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. As explained above, the Exchange is establishing the ports used to connect to the MRX INET trading system. In addition, the Exchange is adopting fees for access to these connectivity options, which will be offered initially free of cost to aid in the migration of the Exchange's trading system to Nasdaq INET technology. The Exchange does not believe that establishing these ports, or providing them to members free of charge, will have any competitive impact.

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 [11] and subparagraph (f)(6) of Rule 19b–4 thereunder.[12]

A proposed rule change filed under Rule 19b–4(f)(6) [13] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[14] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay. The Exchange notes that its members have received numerous communications regarding the availability of the new ports. The Exchange also explains that the proposed port options are the same as those currently used to connect to the Exchange's affiliates, and that members will use the new ports as the Exchange migrates its trading system to INET. The Exchange represents that it anticipates the migration will happen on or around August 14, 2017. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the Exchange to establish the proposed ports ahead of the system migration and thereby avoid potential disruptions to members' connectivity to the Exchange. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change operative upon filing.[15]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MRX–2017–13 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MRX–2017–13. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MRX–2017–1 and should be submitted on or before August 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16744 Filed 8–8–17; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78f(b)(8).

[11] 15 U.S.C. 78s(b)(3)(A)(iii).

[12] 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.

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19b–4(f)(6)(iii).

[15] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81306; File No. SR–NSCC–2017–014]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish the Effective Date of the Settlement Cycle Rule Changes

August 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 31, 2017, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(4) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

NSCC is filing this proposed rule change to (i) establish September 5, 2017 as the effective date (''Effective Date'') of the settlement cycle rule changes (''T2 Changes'') submitted pursuant to rule filing SR–NSCC–2016–007 (''Prior Rule Filing''),[5] (ii) incorporate the T2 Changes into NSCC's Rules & Procedures (''Rules'')[6] as of the Effective Date, and (iii) amend the legend (''Legend'') on the cover page of the Rules in order to include the Effective Date and self-eliminating language for the Legend, and remove the Legend's current reference to NSCC making a subsequent rule filing with the Commission as this proposal is that subsequent rule filing.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On January 4, 2017, the Commission issued an order approving the Prior Rule Filing,[7] which was filed by NSCC pursuant to Section 19(b)(2) of the Act.[8]

The purpose of the Prior Rule Filing was to amend the Rules to ensure that the Rules are consistent with the anticipated industry-wide move to a shorter standard settlement cycle from the third business day after the trade date (''T+3'') to the second business day after the trade date (''T+2''). Although approved by the Commission, the Prior Rule Filing stated that the T2 Changes would not become effective and would not be implemented until an effective date is established by a subsequent proposed rule change to be submitted by NSCC under Rule 19b–4 of the Act.[9]

NSCC is filing this proposed rule change to (i) establish the Effective Date for the T2 Changes, which is also the compliance date for the Commission's amendment to Rule 15c6–1(a) under the Act,[10] (ii) incorporate the T2 Changes into the Rules as of the Effective Date, and (iii) amend the Legend on the cover page of the Rules in order to include the Effective Date and self-eliminating language for the Legend, and remove the Legend's current reference to NSCC making a subsequent rule filing with the Commission as this proposal is that subsequent rule filing.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act requires, in part, that the Rules be designed to promote the prompt and accurate clearance and settlement of securities transactions.[11] The proposed rule change would establish the Effective Date for the T2 Changes and provide NSCC members (''Members'') with an understanding of when the T2 Changes will begin to affect them. Knowing when the T2 Changes will begin to affect Members would enable them to timely fulfill their obligations to NSCC, which would in turn ensure that securities transactions would be promptly and accurately cleared and settled within the industry standard settlement cycle and, by extension, facilitate the prompt and accurate clearance and settlement of securities transactions submitted to NSCC for clearing and settlement. Therefore, NSCC believes that the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act cited above.

(B) Clearing Agency's Statement on Burden on Competition

NSCC does not believe that the proposed rule change to (i) establish the Effective Date for the T2 Changes, (ii) incorporate the T2 Changes into the Rules as of the Effective Date, and (iii) amend the Legend on the cover page of the Rules in order to include the Effective Date and self-eliminating language for the Legend, and remove the Legend's current reference to NSCC making a subsequent rule filing with the Commission would have any impact, or impose any burden, on competition because the proposed rule change is intended to provide additional clarity in the Rules regarding when the T2 Changes would become effective for Members. As such, the proposed rule change would not impact a particular category of Members nor would it impact particular types of Members' businesses.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

NSCC has not received or solicited any written comments relating to this proposal. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[12] and paragraph (f) of Rule 19b–4 thereunder.[13] At any time within 60 days of the filing of the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4).

[5] *See* Securities Exchange Act Release No. 79356 (November 18, 2016), 81 FR 85299 (November 25, 2016) (SR–NSCC–2016–007).

[6] Capitalized terms not defined herein are defined in the Rules, *available at http://www.dtcc.com/~/media/Files/Downloads/legal/rules/nscc_rules.pdf.*

[7] *See* Securities Exchange Act Release No. 79734 (January 4, 2017), 82 FR 3030 (January 10, 2017) (SR–NSCC–2016–007).

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 240.19b–4.

[10] The Commission adopted an amendment to the Settlement Cycle Rule (Rule 15c6–1(a)) under the Act to shorten the standard settlement cycle for most broker-dealer transactions from T+3 to T+2. *See* Amendment to Securities Transaction Settlement Cycle, Exchange Act Release No. 80295 (March 22, 2017), 82 FR 15564 (March 29, 2017).

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f).

change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NSCC–2017–014 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–NSCC–2017–014. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549–1090 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 NSCC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–NSCC–2017–014 and should be submitted on or before August 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16740 Filed 8–8–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81310; File No. SR–NYSE–2017–36]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change for Trading UTP Securities on Pillar, the Exchange's New Trading Technology Platform, Including Orders and Modifiers, Order Ranking and Display, and Order Execution and Routing

August 3, 2017

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on July 28, 2017, New York Stock Exchange LLC (''NYSE'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes rules for trading UTP Securities on Pillar, the Exchange's new trading technology platform, including rules governing orders and modifiers, order ranking and display, and order execution and routing. The proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

On January 29, 2015, the Exchange announced the implementation of Pillar, which is an integrated trading technology platform designed to use a single specification for connecting to the equities and options markets operated by the Exchange and its affiliates, NYSE Arca, Inc. (''NYSE Arca'') and NYSE MKT LLC (''NYSE MKT'').[4] NYSE Arca Equities, Inc. (''NYSE Arca Equities [sic]),[5] which operates the cash equities trading platform for NYSE Arca, was the first trading system to migrate to Pillar.[6]

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Trader Update dated January 29, 2015, available here: *www.nyse.com/pillar.*

[5] NYSE Arca Equities is a wholly-owned corporation of NYSE Arca and operates as a facility of NYSE Arca. NYSE Arca has filed a proposed rule change to merge NYSE Arca Equities with and into NYSE Arca. *See* Securities Exchange Act Release No. 80929 (June 14, 2017), 82 FR 28157 (June 20, 2017) (Notice) (''NYSE Arca Merger Filing''). As part of the NYSE Arca Merger Filing, NYSE Arca has proposed that the NYSE Arca Equities rules will be integrated in the NYSE Arca rule book using the same rule number, but with an additional suffix of ''-E'' added to a rule. For example, ''NYSE Arca Equities Rule 7 (Equities Trading)'' will become ''NYSE Arca Rule 7–E (Equities Trading),'' and ''NYSE Arca Equities Rule 7.31'' will become ''NYSE Arca Rule 7.31–E.'' Accordingly, if the NYSE Arca Merger Filing is approved, all references in this proposed rule change to an NYSE Arca Equities rule should be deemed to be a reference to an NYSE Arca rule with the same number and added ''-E'' suffix.

[6] In connection with the NYSE Arca implementation of Pillar, NYSE Arca filed four rule proposals relating to Pillar. *See* Securities Exchange Act Release Nos. 74951 (May 13, 2015), 80 FR 28721 (May 19, 2015) (Notice) and 75494 (July 20, 2015), 80 FR 44170 (July 24, 2015) (SR–NYSEArca–2015–38) (Approval Order of NYSE Arca Pillar I Filing, adopting rules for Trading Sessions, Order Ranking and Display, and Order Execution); Securities Exchange Act Release Nos. 75497 (July 21, 2015), 80 FR 45022 (July 28, 2015) (Notice) and 76267 (October 26, 2015), 80 FR 66951 (October 30, 2015) (SR–NYSEArca–2015–56) (Approval Order of NYSE Arca Pillar II Filing, adopting rules for Orders and Modifiers and the Retail Liquidity Program);

Continued

NYSE MKT's equities market will transition to Pillar in the third quarter of 2017 and as part of this transition, will be renamed NYSE American LLC (''NYSE American'').[7]

Overview

Currently, the Exchange only trades securities listed on the Exchange. With Pillar, the Exchange proposes to introduce trading of UTP Securities.[8] Consistent with the Exchange's current allocation model for its listed securities, trading in UTP Securities would be subject to a parity allocation model. Unlike the trading of listed securities on the Exchange, when trading UTP Securities on Pillar, the Exchange would not offer Floor-based point-of-sale trading, Designated Market Makers (''DMMs'') would not be assigned to UTP Securities, and the Exchange would not conduct any auctions in UTP Securities.[9] As with listed securities, member organizations approved as Supplemental Liquidity Providers would be eligible to be assigned UTP Securities.[10] In addition, member organizations that operate Floor broker operations that are physically located on the Floor [11] would be eligible to trade UTP Securities.[12]

Trading in UTP Securities would be subject to the Pillar Platform Rules, as set forth in Rules 1P–13P.[13] With this proposed rule change, the Exchange proposes changes to Rule 7P Equities Trading that would govern trading in UTP Securities. The proposed rules are based in part on the rules of NYSE Arca Equities and NYSE American,[14] with the following substantive differences:

- Consistent with the Exchange's current allocation model, trading in UTP Securities on the Exchange would be a parity allocation model with a setter priority allocation for the participant that sets the BBO.[15]
- The Exchange would not offer a Retail Liquidity Program and related order types (Retail Orders and Retail Price Improvement Orders) for UTP Securities.
- The Exchange would not conduct auctions in UTP Securities.
- The Exchange would offer two trading sessions, with the Early Trading Session beginning at 7:00 a.m. Eastern Time.
- The Exchange is not proposing to offer the full suite of order instructions and modifiers that are available on NYSE Arca Equities and NYSE American.

Subject to rule approvals, the Exchange will announce the implementation of trading UTP Securities on the Pillar trading system by Trader Update, which the Exchange anticipates will be in the fourth quarter of 2017.

Once trading in UTP Securities on the Pillar trading platform begins, specified current Exchange trading rules would not be applicable for trading UTP Securities. As described in more detail below, for each current rule that would not be applicable for trading on the Pillar trading platform, the Exchange proposes to state in a preamble to such rule that ''this rule is not applicable to trading UTP Securities on the Pillar trading platform.'' Current Exchange rules governing equities trading that do not have this preamble will govern Exchange operations on Pillar.

Proposed Rule Changes

As noted above, the Exchange proposes rules that would be applicable to trading UTP Securities on Pillar that are based on the rules of NYSE Arca Equities and NYSE American. As a global matter, the Exchange proposes non-substantive differences as compared to the NYSE Arca Equities rules to use the terms ''Exchange'' instead of the terms ''NYSE Arca Marketplace,'' ''NYSE Arca,'' or ''Corporation,'' and to use the terms ''mean'' or ''have meaning'' instead of the terms ''shall mean'' or ''shall have the meaning.'' In addition, the Exchange will use the term ''member organization,'' which is defined in Rule 2, instead of the terms ''ETP Holder'' or ''User.'' [16]

As previously established in the Framework Filing, Section 1 of Rule 7P sets forth the General Provisions relating to trading on the Pillar trading platform and Section 3 of Rule 7P sets forth Exchange Trading on the Pillar trading platform. In this filing, the Exchange proposes new Rules 7.10, 7.11, and 7.16

Securities Exchange Act Release Nos. 75467 (July 16, 2015), 80 FR 43515 (July 22, 2015) (Notice) and 76198 (October 20, 2015), 80 FR 65274 (October 26, 2015) (SR–NYSEArca–2015–58) (Approval Order of NYSE Arca Pillar III Filing, adopting rules for Trading Halts, Short Sales, Limit Up-Limit Down, and Odd Lots and Mixed Lots); and Securities Exchange Act Release Nos. 76085 (October 6, 2015), 80 FR 61513 (October 13, 2015) (Notice) and 76869 (January 11, 2016), 81 FR 2276 (January 15, 2016) (Approval Order of NYSE Arca Pillar IV Filing, adopting rules for Auctions).

[7] *See* Securities Exchange Act Release Nos. 80283 (March 21, 2017), 82 FR 15244 (March 27, 2017) (SR–NYSEMKT–201714 [sic]) (Notice of filing and immediate effectiveness of proposed rule change to change the name of NYSE MKT to NYSE American) and 80748 (May 23, 2017), 82 FR 24764, 24765 (SR–NYSEMKT–2017–20) (Notice of filing and immediate effectiveness of proposed rule change to change the name of NYSE MKT to NYSE American) (''NYSE American Filings''). In connection with the NYSE American implementation of Pillar, NYSE MKT filed several rule changes. *See* Securities Exchange Act Release Nos. 79242 (November 4, 2016), 81 FR 79081 (November 10, 2016) (SR–NYSEMKT–2016–97) (Notice and Filing of Immediate Effectiveness of Proposed Rule Change of framework rules); 81038 (June 28, 2017), 82 FR 31118 (July 5, 2017) (SR–NYSEMKT–2016–103) (Approval Order) (the ''ETP Listing Rules Filing''); 80590 (May 4, 2017), 82 FR 21843 (May 10, 2017) (Approval Order) (NYSE MKT rules governing automated trading); 80577 (May 2, 2017), 82 FR 21446 (May 8, 2017) (SR–NYSEMKT–2017–04) (Approval Order) (NYSE MKT rules governing market makers); 80700 (May 16, 2017), 82 FR 23381 (May 22, 2017) (SR–NYSEMKT–2017–05) (Approval Order) (NYSE MKT rules governing delay mechanism).

[8] The term ''UTP Security'' means a security that is listed on a national securities exchange other than the Exchange and that trades on the Exchange pursuant to unlisted trading privileges. *See* Rule 1.1(ii). The Exchange has authority to extend unlisted trading privileges to any security that is an NMS Stock that is listed on another national securities exchange or with respect to which unlisted trading privileges may otherwise be extended in accordance with Section 12(f) of the Act. *See* Rule 5.1(a)(1).

[9] The Exchange will continue to trade NYSE-listed securities on its current trading platform without any changes. The Exchange will transition trading in NYSE-listed securities to Pillar at a separate date, which will be the subject of separate proposed rule changes.

[10] *See* Rule 107B, which the Exchange is proposing to amend, *see infra.*

[11] The term ''Floor'' means the trading Floor of the Exchange and the premises immediately adjacent thereto, such as the various entrances and lobbies of the 11 Wall Street, 18 New Street, 8 Broad Street, 12 Broad Street and 18 Broad Street Buildings, and also means the telephone facilities available in these locations. *See* Rule 6. The term ''Trading Floor'' means the restricted-access physical areas designated by the Exchange for the trading of securities, commonly known as the ''Main Room'' and the ''Buttonwood Room,'' but does not include (i) the areas in the ''Buttonwood Room'' designated by the Exchange where NYSE Amex-listed options are traded, which, for the purposes of the Exchange's Rules, shall be referred to as the ''NYSE Amex Options Trading Floor'' or (ii) the physical area within fully enclosed telephone booths located in 18 Broad Street at the Southeast wall of the Trading Floor. *See* Rule 6A.

[12] Member organizations trading UTP Securities would continue to be required to comply with Section 11(a)(1) of the Act, 15 U.S.C. 78k(a)(1), and any applicable exceptions thereto as are currently applicable to trading on the Exchange.

[13] *See* Securities Exchange Act Release Nos. 76803 (December 30, 2015), 81 FR 536 (January 6, 2016) (SR–NYSE–2015–67) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change) (''Framework Filing''); and 80214 (March 10, 2017), 82 FR 14050 (March 16, 2017) (SR–NYSE–2016–44) (Approval Order) (''ETP Listing Rules Filing''). *See also* SR–NYSE–2017–35.

[14] In the NYSE American Filings, *supra* note 7, NYSE MKT represented that the name change to NYSE American would become operative upon the effectiveness of an amendment to NYSE MKT's Certificate of Formation, which is expected to be no later than July 31, 2017. Because the NYSE American name would be operative before this proposed rule change would be approved, the Exchange believes it would promote transparency and reduce confusion to refer to NYSE MKT rules as ''NYSE American'' rules.

[15] The term ''BBO'' means the best bid or offer on the Exchange. *See* Rule 1.1(h).

[16] Because these non-substantive differences would be applied throughout the proposed rules, the Exchange will not note these differences separately for each proposed rule.

and to amend Rule 7.18 for Section 1 of Rule 7P and new Rules 7.31, 7.34, 7.36, 7.37, and 7.38 for Section 3 of Rule 7P. In addition, the Exchange proposes new Section 5 of Rule 7P to establish rules for the Plan to Implement a Tick Size Pilot Program, and proposes new Rule 7.46 in that section.

Below, the Exchange first describes proposed Rules 7.36 and 7.37, as these rules would establish the Exchange's Pillar rules governing order ranking and display and order execution and routing. Next, the Exchange describes proposed Rule 7.31, which would establish the orders and modifiers available for trading UTP Securities on Pillar. Finally, the Exchange describes proposed Rules 7.10, 7.11, 7.16, 7.34, 7.38, and 7.46 and amendments to Rule 7.18.

Proposed Rule 7.36

Proposed Rule 7.36 (Order Ranking and Display) would establish how orders in UTP Securities would be ranked and displayed on the Pillar trading platform. As described above, the Exchange proposes to retain its current allocation model for trading UTP Securities on Pillar, including the concept of ''setter interest,'' which the Exchange would define in proposed Rule 7.36 as ''Setter Priority.'' Except for the addition of Setter Priority, the Exchange proposes to use Pillar functionality for determining how orders would be ranked and displayed. Accordingly, proposed Rule 7.36 is based in part on NYSE Arca Equities Rule 7.36 and NYSE American Rule 7.36E, with substantive differences as described below.

Proposed Rule 7.36(a)–(g)

Proposed Rules 7.36(a)–(g) would establish rules defining terms that would be used in Rule 7P—Equities Trading and describing display and ranking of orders on the Exchange, including ranking based on price, priority category, and time. The proposed rule text is based on NYSE Arca Equities Rule 7.36(a)–(g) and NYSE American Rule 7.36E(a)–(g) with the following substantive differences:

• Proposed Rule 7.36(a)(5) would add a definition of the term ''Participant,'' which is based on how the term ''individual participant'' is defined in current Rule 72(c)(ii), with non-substantive differences. The Exchange proposes that the term ''Participant'' would mean for purposes of parity allocation, a Floor broker trading license (each, a ''Floor Broker Participant'') or orders collectively represented in the Exchange Book that have not been entered by a Floor Broker (''Book Participant''). The Exchange proposes to use the term ''Floor broker trading license'' rather than ''each single Floor broker'' because pursuant to Rule 300 a trading license is required to effect transactions on the Floor of the Exchange or any facility thereof and a member organization designates natural persons to effect transactions on the Floor on its behalf. Accordingly, reference to a ''Floor broker trading license'' makes clear that the Floor broker participant is at the trading license level, rather than at the member organization level. The Exchange also proposes to use the term ''Exchange Book,'' which is a defined term, rather than referring more generally to ''Exchange systems.''

• Proposed Rule 7.36(a)(6) would add the definition of ''Aggressing Order'' to mean a buy (sell) order that is or becomes marketable against sell (buy) interest on the Exchange Book. This proposed term would be used in proposed Rule 7.37, described below.

• Because all displayed Limit Orders would be displayed on an anonymous basis, the Exchange does not propose to include text based on the first clause of NYSE Arca Equities Rule 7.36(b)(2) in proposed Rule 7.36(b)(2).

• Proposed Rule 7.36(c) regarding ranking would not include reference to price-time priority, as the Exchange's allocation model would not always be a price-time priority allocation, as described below. As further described below, the Exchange would rank orders consistent with proposed Rule 7.36(c).

• Proposed Rule 7.36(e) would establish three priority categories: Priority 1—Market Orders, Priority 2—Display Orders, and Priority 3—Non-Display Orders. The Exchange would not offer any additional priority categories for trading of UTP Securities.

In addition to these substantive differences, the Exchange proposes a non-substantive clarifying difference for proposed Rule 7.36(f)(1)(B) to add ''[o]ther than as provided for in Rule 7.38(b)(2),'' to make clear that the way in which a working time is assigned to an order that is partially routed to an Away Market and returns to the Exchange is addressed in both proposed Rule 7.36(f)(1)(B) and proposed Rule 7.38(b)(2). The Exchange also proposes non-substantive differences to proposed Rule 7.36(f)(2) and (3) to streamline the rule text.

Proposed Rule 7.36(h)—Setter Priority

Proposed Rule 7.36(h) would establish how Setter Priority would be assigned to an order and is based in part on current Rules 72(a) and (b). Rule 72(a)(ii) provides that when a bid or offer, including pegging interest is established as the only displayable bid or offer made at a particular price and such bid or offer is the only displayable interest when such price is or becomes the Exchange BBO (the ''setting interest''), such setting interest is entitled to priority for allocation of executions at that price as described in Rule 72. The rule further provides that:

• Odd-lot orders, including aggregated odd-lot orders that are displayable, are not eligible to be setting interest. (Rule 72(a)(ii)(A))

• If, at the time displayable interest of a round lot or greater becomes the Exchange BBO, there is other displayable interest of a round lot or greater, including aggregated odd-lot orders that are equal to or greater than a round lot, at the price that becomes the Exchange BBO, no interest is considered to be a setting interest, and, therefore, there is no priority established. (Rule 72(a)(ii)(B))

• If, at the time displayable interest of a round lot or greater becomes the Exchange BBO, there is other displayable interest the sum of which is less than a round lot, at the price that becomes the Exchange BBO, the displayable interest of a round lot or greater will be considered the only displayable bid or offer at that price point and is therefore established as the setting interest entitled to priority for allocation of executions at that price as described in this rule. (Rule 72(a)(ii)(C))

• If executions decrement the setting interest to an odd-lot size, a round lot or partial round lot order that joins such remaining odd-lot size order is not eligible to be the setting interest. (Rule 72(a)(ii)(D))

• If, as a result of cancellation, interest is or becomes the single displayable interest of a round lot or greater at the Exchange BBO, it becomes the setting interest. (Rule 72(a)(ii)(E))

• Only the portion of setting interest that is or has been published in the Exchange BBO is entitled to priority allocation of an execution. That portion of setting interest that is designated as reserve interest and therefore not displayed at the Exchange BBO (or not displayable if it becomes the Exchange BBO) is not eligible for priority allocation of an execution irrespective of the price of such reserve interest or the time it is accepted into Exchange systems. However, if, following an execution of part or all of setting interest, such setting interest is replenished from any reserve interest, the replenished volume of such setting interest shall be entitled to priority if the setting interest is still the only

interest at the Exchange BBO. (Rule 72(a)(ii)(F))

• If interest becomes the Exchange BBO, it will be considered the setting interest even if pegging interest, Limit Orders designated ALO, or sell short orders during a Short Sale Period under Rule 440B(e) are re-priced and displayed at the same price as such interest, and it will retain its priority even if subsequently joined at that price by re-priced interest. (Rule 72(a)(ii)(G))

Rule 72(b)(i) provides that once priority is established by setting interest, such setting interest retains that priority for any execution at that price when that price is at the Exchange BBO and if executions decrement the setting interest to an odd-lot size, such remaining portion of the setting interest retains its priority for any execution at that price when that price is the Exchange BBO. Rule 72(b)(ii) further provides that for any execution of setting interest that occurs when the price of the setting interest is not the Exchange BBO, the setting interest does not have priority and is executed on parity. Finally, Rule 73(b)(ii) provides that priority of setting interest will not be retained after the close of trading on the Exchange or following the resumption of trading in a security after a trading halt in such security has been invoked pursuant to Rule 123D or following the resumption of trading after a trading halt invoked pursuant to the provisions of Rule 80B. In addition, priority of the setting interest is not retained on any portion of the priority interest that is routed to an away market and is returned unexecuted unless such priority interest is greater than a round lot and the only other interest at the price point is odd-lot orders, the sum of which is less than a round lot.

Proposed Rule 7.36(h) would use Pillar terminology to establish ''Setter Priority,'' which would function similarly to setting interest under Rule 72. The Exchange proposes the following substantive differences to how Setter Priority would be assigned and retained on Pillar:

• To be eligible for Setter Priority, an order would have to establish not only the BBO, but also either join an Away Market NBBO or establish the NBBO. The Exchange believes that requiring an order to either join or establish an NBBO before it is eligible for Setter Priority would encourage the display of aggressive liquidity on the Exchange.

• A resting order would not be eligible to be assigned Setter Priority simply because it is the only interest at that price when it becomes the BBO (either because of a cancellation of other interest at that price or because a resting order that is priced worse than the BBO becomes the BBO). The Exchange believes that the benefit of Setter Priority should be for orders that are aggressively seeking to improve the BBO, rather than for passive orders that become the BBO.

• The replenished portion of a Reserve Order would not be eligible for Setter Priority. The Exchange believes that Setter Priority should be assigned to interest willing to be displayed, and because the reserve interest would not be displayed on arrival, it would not be eligible for Setter Priority.

• Orders that are routed and returned unexecuted would be eligible for Setter Priority consistent with the proposed rules regarding the working time assigned to the returned quantity of an order. As described in greater detail below, if such orders meet the requirements to be eligible for Setter Priority, *e.g.,* establish the BBO and either join or establish the NBBO, they would be evaluated for Setter Priority.

Proposed Rule 7.36(h) would provide that Setter Priority would be assigned to an order ranked Priority 2—Display Orders with a display quantity of at least a round lot if such order (i) establishes a new BBO and (ii) either establishes a new NBBO or joins an Away Market NBBO. The rule would further provide that only one order is eligible for Setter Priority at each price. This proposed rule text is based in part on Rule 72(a)(ii), 72(a)(ii)(A), 72(a)(ii)(B), 72(a)(ii)(C), subject to the substantive differences described above.[17]

Proposed Rule 7.36(h)(1) would set forth when an order would be evaluated for Setter Priority. As noted above, the Exchange proposes a substantive difference from current Rule 72(a)(ii) in that a resting order would not be eligible to be assigned Setter Priority simply because it is the only interest at that price when it becomes the BBO.

• Proposed Rule 7.36(h)(1)(A) would provide that an order would be evaluated for Setter Priority on arrival, which would include when any portion of an order that has routed returns unexecuted and is added to the Exchange Book. Pursuant to proposed Rule 7.37(a)(1), described below, an order that is routed on arrival to an Away Market would not be assigned a working time. Proposed Rule 7.36(f) provides that an order would not be assigned a working time until it is placed on the Exchange Book. As such, an order that has returned after routing would be processed similarly to a newly arriving order. Therefore, the Exchange believes that an order should be evaluated for Setter Priority when it returns from an Away Market unexecuted in the same way as evaluating an order for Setter Priority on arrival.

When evaluating Setter Priority for an order that has returned from an Away Market unexecuted, the Exchange would assess whether such order meets the requirements of proposed Rule 7.36(h), which is based in part on the second sentence of Rule 72(b)(iii). The Exchange proposes that for Pillar, an order that was routed to an Away Market and returned unexecuted would be evaluated for Setter Priority based on how a working time would be assigned to the returned quantity of the routed order, as described in proposed Rules 7.16(f)(5)(H), 7.36(f)(1)(A) and (B), and 7.38(b)(2).

○ Proposed Rule 7.16(f)(5)(H) provides that if a Short Sale Price Test, as defined in that rule, is triggered after an order has routed, any returned quantity of the order and the order it joins on the Exchange Book would be adjusted to a Permitted Price.[18] In such case, the returned quantity and the resting quantity that would be re-priced to a Permitted Price would be a single order and the Exchange would evaluate such order for Setter Priority. If such order would set a new BO and either join or establish a new NBO, it would be assigned Setter Priority. For example, if the Exchange receives a sell short order of 200 shares ranked Priority 2—Display Orders, routes 100 shares (''A'') of such order and adds 100 shares (''B'') of such order to the Exchange Book, ''B'' would be displayed at the price of the sell short order. If an Away Market NBB locks the price of ''B'' and then a Short Sale Price Test is triggered, ''B'' would remain displayed at the price of the NBB.[19] If subsequently, ''A'' returns unexecuted, pursuant to proposed Rule 7.16(f)(5)(H), ''A'' and ''B'' would be considered a single order and would be re-priced to a Permitted Price, at which point the order would be evaluated for Setter Priority.

[17] Because of the proposed substantive differences, the Exchange is not proposing rules based on current Rules 72(a)(ii)(D) and (E). In addition, when an order is considered displayed on Pillar would be addressed in proposed Rule 7.36(b)(1). Accordingly, the Exchange is not proposing rule text based on Rule 72(a)(i).

[18] Pursuant to proposed Rule 7.16(f)(5)(A), described below, during a Short Sale Period, as defined in that rule, short sale orders with a working price and/or a display price equal to or lower than the NBB will have the working price and/or display price adjusted one minimum price increment above the current NBB, which is the ''Permitted Price.''

[19] *See* proposed Rule 7.16(f)(6).

○ Proposed Rule 7.36(f)(1)(A) provides that an order that is fully routed to an Away Market would not be assigned a working time unless and until any unexecuted portion of the order returns to the Exchange Book. As proposed, if the Exchange routes an entire order and a portion returns unexecuted, the Exchange would evaluate the returned quantity for Setter Priority as if it were a newly arriving order. For example, if less than a round lot returns unexecuted, the returned quantity would not be eligible for Setter Priority. If at least a round lot returns unexecuted, establishes a new BBO, and either joins or establishes the NBBO, it would be eligible for Setter Priority.

○ Proposed Rule 7.36(f)(1)(B) provides that (except as provided for in proposed Rule 7.38(b)(2)), if an order is partially routed to an Away Market on arrival, the portion that is not routed would be assigned a working time and any portion of the order returning unexecuted would be assigned the same working time as any remaining portion of the original order resting on the Exchange Book and would be considered the same order as the resting order. In such case, if the resting portion of the order has Setter Priority, the returned portion would also have Setter Priority. For example, if the Exchange receives a 200 share order ranked Priority 2—Display Orders, routes 100 shares (''C'') of such order and adds 100 shares (''D'') of such order to the Exchange Book, which establishes the BBO and joined the NBBO, ''D'' would be assigned Setter Priority. If ''D'' is partially executed and decremented to 50 shares and another order ''E'' for 100 shares joins ''D'' at its price, pursuant to proposed Rules 7.36(h)(2)(A) and (B), described below, ''D'' would retain Setter Priority. If ''C'' returns unexecuted, it would join the working time of ''D'' pursuant to proposed Rule 7.36(f)(1)(B), ''C'' and ''D'' would be considered a single order, and ''C'' would therefore also receive Setter Priority.

○ Proposed Rule 7.38(b)(2) provides that for an order that is partially routed to an Away Market on arrival, if any returned quantity of such order joins resting odd-lot quantity of the original order and the returned and resting quantity, either alone or together with other odd-lot orders, would be displayed as a new BBO, both the returned and resting quantity would be assigned a new working time. In such case, the returned quantity and the resting odd-lot quantity together would be a single order and would be evaluated for Setter Priority.

For example, if the Exchange receives an order for 100 shares, routes 50 shares (''E'') of such order and the remaining 50 shares (''F'') of such order are added to the Exchange Book, pursuant to proposed Rule 7.36(f)(1)(B), ''F'' would be assigned a working time when it is added to the Exchange Book. If ''E'' returns unexecuted, and ''E'' and ''F'' together would establish a new BBO at that price, pursuant to proposed Rule 7.38(b)(2), ''F'' would be assigned a new working time to join the working time of ''E,'' and ''E'' and ''F'' would be considered a single order. If the returned quantity together with the resting quantity establishes the BBO pursuant to proposed Rule 7.38(b)(2), the order would be eligible to be evaluated for Setter Priority.

• Proposed Rule 7.36(h)(1)(B) would provide that an order would be evaluated for Setter Priority when it becomes eligible to trade for the first time upon transitioning to a new trading session. When an order becomes eligible to trade upon a trading session transition, it is treated as if it were a newly arriving order. Accordingly, the Exchange believes it would be consistent with its proposal to evaluate arriving orders for Setter Priority to also evaluate orders that become eligible to trade upon a trading session transition for Setter Priority. For example, pursuant to proposed Rule 7.34(c)(1), described below, the Exchange would accept Primary Pegged Orders during the Early Trading Session, however, such orders would not be eligible to trade until the Core Trading Session begins. In such case, a Primary Pegged Order would be evaluated for Setter Priority when it becomes eligible to trade in the Core Trading Session.

Proposed Rule 7.36(h)(2) would establish when an order retains its Setter Priority, as follows:

• If it is decremented to any size because it has either traded or been partially cancelled (proposed Rule 7.36(h)(2)(A)). This proposed rule is based on Rule 72(b)(i), with non-substantive differences to use Pillar terminology.

• if it is joined at that price by a resting order that is re-priced and assigned a display price equal to the display price of the order with Setter Priority (proposed Rule 7.36(h)(2)(B)). This proposed rule is based on Rule 72(a)(ii)(G), with non-substantive differences to use Pillar terminology.

• if the BBO or NBBO changes (proposed Rule 7.36(h)(2)(C)). This proposed rule, together with proposed Rule 7.37(b)(1)(B), described below, is based on Rule 72(b)(ii), with non-substantive differences to use Pillar terminology. Specifically, once an order has been assigned Setter Priority, it has that status so long as it is on the Exchange Book, subject to proposed Rule 7.36(h)(3), described below, regardless of the BBO or NBBO. However, as described in proposed Rule 7.37(b)(1)(B), it would only be eligible for a Setter Priority allocation if it is executed when it is the BBO.

• if the order marking changes from (A) sell to sell short, (B) sell to sell short exempt, (C) sell short to sell, (D) sell short to sell short exempt, (E) sell short exempt to sell, and (F) sell short exempt to sell short (proposed Rule 7.36(h)(2)(D)). This proposed rule text is consistent with proposed Rule 7.36(f)(4) because if an order retains its working time, the Exchange believes it should also retain its Setter Priority status.

• when transitioning from one trading session to another (proposed Rule 7.36(h)(2)(E)). This text would be new because, with Pillar, the Exchange would be introducing an Early Trading Session. The Exchange believes that if an order entered during the Early Trading Session is assigned Setter Priority, it should retain that status in the Core Trading Session.

Proposed Rule 7.36(h)(3) would establish when an order would lose Setter Priority, as follows:

• If trading in the security is halted, suspended, or paused (proposed Rule 7.36(h)(3)(A)). This proposed rule is based on the first sentence of current Rule 72(b)(iii), with non-substantive differences to use Pillar terminology. In addition, because all orders expire at the end of the trading day, the Exchange believes that the current rule text providing that setting interest would not be retained after the close of trading on the Exchange would not be necessary for Pillar.

• if such order is assigned a new display price (proposed Rule 7.36(h)(3)(B)). The Exchange believes that if an order has Setter Priority at a price, and then is assigned a new display price, it should not retain the Setter Priority status that was associated with its original display price.

• if such order is less than a round lot and is assigned a new working time pursuant to proposed Rule 7.38(b)(2). As discussed above, pursuant to proposed Rule 7.38(b)(2) the resting odd-lot portion of an order would be assigned a new working time if the returned quantity of that order, together with the resting portion, would establish a new BBO. In such case, if the resting quantity had Setter Priority status, it would lose that status, and would be re-evaluated for Setter Priority at its new working time.

For example, if the Exchange receives an order for 200 shares ranked Priority 2—Display Orders, routes 100 shares (''G'') of such order, and the remaining 100 shares (''H'') of such order are added to the Exchange Book and assigned Setter Priority, ''H'' would retain Setter Priority even if it is partially executed and the remaining portion of ''H'' is less than a round lot. If ''G'' returns unexecuted and ''G'' and ''H'' together would establish a new BBO at that price, pursuant to proposed Rule 7.38(b)(2), ''H'' would be assigned a new working time to join the working time of ''G,'' and ''G'' and ''H'' would be considered a single order. When ''H'' is assigned a new working time, it would lose its Setter Priority status. Even though ''G'' and ''H'' would establish the BBO, if that order does not also join or establish an NBBO, it would not be assigned Setter Priority. In this scenario, ''H'' would have lost its Setter Priority. The Exchange believes it is appropriate to re-evaluate such order for Setter Priority because it is being assigned a new working time together with the returned quantity of the order.

Proposed Rule 7.36(h)(4) would establish when Setter Priority is not available, as follows:

- For any portion of an order that is ranked Priority 3—Non-Display Orders (proposed Rule 7.36(h)(4)(A)). This proposed rule text is based on the second sentence of Rule 72(a)(ii)(F), with non-substantive differences to use Pillar terminology.
- when the reserve quantity replenishes the display quantity of a Reserve Order (proposed Rule 7.36(h)(4)(B)). This proposed rule text would be new and would be a substantive difference, described above, as compared to the third sentence of Rule 72(a)(ii)(F).

Because proposed Rule 7.36 would address the display and working time of orders and Setter Priority, the Exchange proposes that Rules 72(a), (b), and (c)(xii) would not be applicable to trading UTP Securities on the Pillar trading platform.

Proposed Rule 7.37

Proposed Rule 7.37 (Order Execution and Routing) would establish rules governing order execution and routing on the Pillar trading platform. As described above, the Exchange proposes to retain its parity allocation model, which the Exchange would set forth in proposed Rule 7.37(b). Except for the addition of parity allocation, the Exchange proposes to use Pillar functionality for determining how orders would be executed and routed. Accordingly, the proposed rule is based in part on NYSE Arca Equities Rule 7.37 and NYSE American Rule 7.37E, with substantive differences as described below.

Proposed Rules 7.37(a), (c)–(g)

Proposed Rules 7.37(a) and paragraphs (c)–(d) would establish rules regarding order execution, routing, use of data feeds, locking or crossing quotations in NMS Stocks, and exceptions to the Order Protection Rule. The proposed rule text is based on NYSE Arca Equities Rule 7.37(a)–(f) and NYSE American Rule 7.37E(a)–(f) with the following substantive differences: [20]

- Proposed Rule 7.37(a) would use the proposed new term ''Aggressing Order'' rather than the term ''incoming marketable order'' to refer to orders that would be matched for execution. In addition, because the Exchange would not use a price-time priority allocation for all orders, the Exchange proposes to specify that orders would be matched for execution as provided for in proposed Rule 7.37(b).
- As discussed below, the Exchange would not offer all order types that are available on NYSE Arca Equities and NYSE American. Accordingly, proposed Rule 7.37(a)(4) would not include a reference to Inside Limit Orders.
- Similar to NYSE American, because the Exchange would not be taking in data feeds from broker-dealers or routing to Away Markets that are not displaying protected quotations, the Exchange proposes that proposed Rule 7.37 would not include rule text from paragraph (b)(3) of NYSE Arca Equities Rule 7.37, which specifies that an ETP Holder can opt out of routing to Away Markets that are not displaying a protected quotation, *i.e.,* broker dealers, or paragraph (d)(1) of NYSE Arca Equities Rule 7.37, which specifies that NYSE Arca Equities receives data feeds directly from broker dealers.
- As discussed in greater detail below, because the Exchange would not offer all orders available on NYSE Arca Equities and NYSE American, including orders based on NYSE Arca Equities Rule 7.31(f) that are orders with specific routing instructions, the Exchange proposes that proposed Rules 7.37(c)(5) and (c)(7)(B) would not include reference to orders that are designated to route to the primary listing market. Similarly, the Exchange would not include rule text based on NYSE Arca Equities Rule 7.37(b)(7)(C) and NYSE American Rule 7.37E(b)(7)(C).

[20] Because proposed Rule 7.37(b) would establish parity allocation, proposed Rule 7.37(c)–(g) would be based on NYSE Arca Rules 7.37(b)–(f) and NYSE American Rules 7.37E(b)–(f).

Proposed Rule 7.37(b)—Allocation

Proposed Rule 7.37(b) would set forth how an Aggressing Order would be allocated against contra-side orders and is based in part on current Rule 72(c). The Exchange proposes to use Pillar terminology to describe allocations and proposes the following substantive differences to how allocations are processed under Rule 72(c):

- Mid-point Liquidity Orders (''MPL'') with a Minimum Trade Size (''MTS''), which are not currently available on the Exchange, would be allocated based on MTS size (smallest to largest) and time.
- The Exchange would maintain separate allocation wheels on each side of the market for displayed and non-displayed orders at each price. Currently, the Exchange maintains a single allocation wheel for each security.[21]
- An allocation to a Floor Broker Participant would be allocated to orders represented by that Floor Broker on parity.
- If resting orders on one side of the Exchange Book are repriced such that they become marketable against orders on the other side of the Exchange Book, they would trade as Aggressing Orders based on their ranking pursuant to proposed Rule 7.36(c).
- If resting orders on both side of the Exchange Book are repriced such that they become marketable against each other, *e.g.,* a crossed PBBO becomes uncrossed and orders priced based on the PBBO are repriced, the Exchange would determine which order is the Aggressing Order based on its ranking pursuant to Rule 7.36(c).
- Because there would not be any DMMs assigned to UTP Securities, the proposed rule would not reference DMM allocations.

Proposed Rule 7.37(b)(1) would set forth that at each price, an Aggressing Order would be allocated against contra-side orders as follows:

- Proposed Rule 7.37(b)(1)(A) would provide that orders ranked Priority 1—Market Orders would trade first based on time. This proposed rule is based on the first sentence of Rule 72(c)(i) with non-substantive differences to use Pillar terminology.
- Proposed Rule 7.37(b)(1)(B) would provide that next, an order with Setter Priority that has a display price and working price equal to the BBO would receive 15% of the remaining quantity of the Aggressing Order, rounded up to the next round lot size or the remaining displayed quantity of the order with

[21] *See* Rule 72(c)(viii)(A).

Setter Priority, whichever is lower. The rule would further provide that an order with Setter Priority is eligible for allocation under proposed Rule 7.37(b)(1)(B) if the BBO is no longer the same as the NBBO. This proposed rule text is based on Rules 72(b)(ii) and 72(c)(iii) with non-substantive differences to use Pillar terminology. Although the Exchange is using different rule text, the quantity of an Aggressing Order that would be allocated to an order with Setter Priority would be the same under both current rules and the proposed Pillar rule.

• Proposed Rule 7.37(b)(1)(C) would provide that next, orders ranked Priority 2—Displayed Orders would be allocated on parity by Participant and that any remaining quantity of an order with Setter Priority would be eligible to participate in this parity allocation, consistent with the allocation wheel position of the Participant that entered the order with Setter Priority. This proposed rule text is based on Rules 72(c)(i), (iv), (vi), and (ix) with non-substantive differences to use Pillar terminology.

• Proposed Rule 7.37(b)(1)(D) would provide that next, orders ranked Priority 3—Non-Display Orders, other than MPL Orders with an MTS, would be allocated on parity by Participant. This proposed rule text is based on Rules 72(c)(i), (iv), (vi), and (ix) with non-substantive differences to use Pillar terminology and a substantive difference not to include MPL Orders with an MTS in the parity allocation of resting non-displayed orders.

• Proposed Rule 7.37(b)(1)(E) would provide that MPL Orders with an MTS would be allocated based on MTS size (smallest to largest) and time. Because MPL Orders with an MTS would be a new offering on the Exchange, this proposed rule text is new. With an MTS instruction, an [sic] member organization is instructing the Exchange that it does not want an execution of its order if the MTS cannot be met. Accordingly, an MPL Order with an MTS is willing to be skipped if such instruction cannot be met. The Exchange proposes to separate MPL Orders with an MTS from the parity allocation of Priority 3—Non-Display Orders because with a parity allocation, an MTS instruction would not be guaranteed. In order to honor the MTS instruction of the resting MPL Order, the Exchange proposes to allocate these orders after all other Priority 3—Non-Display Orders have been allocated on parity. The Exchange believes that this proposed allocation priority would be consistent with the MTS instruction in that such orders are willing to be skipped in order to have the MTS met.

Proposed Rule 7.37(b)(2) would establish the allocation wheel for parity allocations. The proposed rule would be new for Pillar and would establish that at each price on each side of the market, the Exchange would maintain an ''allocation wheel'' of Participants with orders ranked Priority 2—Display Orders and a separate allocation wheel of Participants with orders ranked Priority 3—Non-Display Orders. The rule further describes how the position of an order on an allocation wheel would be determined, as follows:

• Proposed Rule 7.37(b)(2)(A) would provide that the Participant that enters the first order in a priority category at a price would establish the first position on the applicable allocation wheel for that price. The rule would further provide that if an allocation wheel no longer has any orders at a price, the next Participant to enter an order at that price would establish a new allocation wheel. This proposed rule is based in part on the first sentence of Rule 72(c)(viii)(A), with both non-substantive differences to use Pillar terminology and substantive differences because the Exchange would maintain separate allocation wheels at each price point, rather than a single allocation wheel for a security. Accordingly, an allocation wheel at a price point could be re-established throughout the trading day.

• Proposed Rule 7.37(b)(2)(B) would provide that additional Participants would be added to an allocation wheel based on time of entry of the first order entered by a Participant. This proposed rule is based in part on the second sentence of Rule 72(c)(viii)(A) with non-substantive differences to use Pillar terminology.

• Proposed Rule 7.37(b)(2)(C) would provide that once a Participant has established a position on an allocation wheel at a price, any additional orders from that Participant at the same price would join that position on an allocation wheel. This proposed rule uses Pillar terminology to describe current functionality.

• Proposed Rule 7.37(b)(2)(D) would provide that if an order receives a new working time or is cancelled and replaced at the same working price, a Participant that entered such order would be moved to the last position on an allocation wheel if that Participant has no other orders at that price. This proposed rule is based in part on the last sentence of Rule 72(c)(viii)(A) with non-substantive differences to use Pillar terminology.

• Proposed Rule 7.37(b)(2)(E) would provide that a Participant would be removed from an allocation wheel if (i) all orders from that Participant at that price are executed or cancelled in full, (ii) the working price of an order changes and that Participant has no other orders at that price, or (iii) the priority category of the order changes and that Participant has no other orders at that price. This proposed rule would be new functionality associated with the substantive difference of having separate allocation wheels at each price point.

• Proposed Rule 7.37(b)(2)(F) would provide that if multiple orders are assigned new working prices at the same time, the Participants representing those orders would be added to an allocation wheel at the new working price in time sequence relative to one another. This proposed rule would be new functionality associated with the substantive difference of having separate allocation wheels at each price point.

Proposed Rule 7.37(b)(3) would set forth the parity pointer associated with the allocation wheel. As proposed, if there is more than one Participant on an allocation wheel, the Exchange would maintain a ''pointer'' that would identify which Participant would be next to be evaluated for a parity allocation and that the Participant with the pointer would be considered the first position. This proposed rule is based in part on the Parity Example 1 described in Rule 72(c)(viii)(A) and Rule 72(c)(viii)(B), with non-substantive differences to use Pillar terminology. The rule would further provide that the Setter Priority allocation described in proposed Rule 7.37(b)(1)(B) would not move the pointer, which is based on the second sentence of Rule 72(c)(iv) with non-substantive differences to use Pillar terminology.

Proposed Rule 7.37(b)(4) would set forth how an Aggressing Order would be allocated on parity. As proposed, an Aggressing Order would be allocated by round lots. The Participant with the pointer would be allocated a round lot and then the pointer would advance to the next Participant. The pointer would continue to advance on an allocation wheel until the Aggressing Order is fully allocated or all Participants in that priority category are exhausted. This proposed rule is based on Rule 72(c)(viii), sub-paragraphs (A)–(C) of that Rule, and Parity Examples 1 through 4, with non-substantive differences to use Pillar terminology. Rather than include examples in the proposed rule, the Exchange believes that the Pillar terminology streamlines the description of parity allocations in

a manner that obviates the need for examples, as follows:

• Proposed Rule 7.37(b)(4)(A) would provide that not all Participants on an allocation wheel would be guaranteed to receive an allocation. The size of an allocation to a Participant would be based on which Participant had the pointer at the beginning of the allocation, the size of the Aggressing Order, the number of Participants in the allocation, and the size of the orders entered by Participants. The Exchange believes that this proposed rule makes clear that while the parity allocation seeks to evenly allocate an Aggressing Order, an even allocation may not be feasible and would be dependent on multiple variables.

For example, if there are three Participants on an allocation wheel, ''A,'' ''B,'' and ''C,'' each representing 200 shares and ''A'' has the pointer, an Aggressing Order of 450 shares would be allocated as follows: ''A'' would be allocated 100 shares, ''B'' would be allocated 100 shares, ''C'' would be allocated 100 shares, ''A'' would be allocated 100 shares, and ''B'' would be allocated 50 shares. In this example, an uneven allocation would result because the Aggressing Order cannot be evenly divided by round lots among the Participants and the allocation sizes would be dependent on which Participant has the pointer at the beginning of the allocation. Accordingly, ''A'' would be allocated a total of 200 shares, ''B'' would be allocated a total of 150 shares, and ''C'' would be allocated a total of 100 shares.

• Proposed Rule 7.37(b)(4)(B) would provide that if the last Participant to receive an allocation is allocated an odd lot, the pointer would stay with that Participant. The Exchange proposes that the pointer would advance only after a round-lot allocation. If the last allocation is an odd-lot, the pointer would stay with that Participant. For example, continuing with the example above where ''B'' received an allocation of 150 shares because the last allocation was 50 shares, the pointer would remain with ''B'' for the next allocation at that price. By contrast, if the last Participant receives a round-lot allocation of an Aggressing Order, the pointer would advance to the next Participant for the next allocation at that price.

• Proposed Rule 7.37(b)(4)(C) would provide that if the Aggressing Order is an odd lot, the Participant with the pointer would be allocated the full quantity of the order, unless that Participant does not have an order that could satisfy the Aggressing Order in full, in which case, the pointer would move to the next Participant on an allocation wheel. This proposed rule uses Pillar terminology to describe how an odd-lot sized Aggressing Order would be allocated.

• Proposed Rule 7.37(b)(4)(D) would provide that a Participant that has an order or orders equaling less than a round lot would be eligible for a parity allocation up to the size of the order(s) represented by that Participant. This proposed rule is based in part on Rule 72(c)(viii)(B) with non-substantive differences to use Pillar terminology.

Proposed Rule 7.37(b)(5) would provide that an allocation to the Book Participant would be allocated to orders that comprise the Book Participant by working time. This proposed rule is based on the second sentence of Rule 72(c)(ii) with non-substantive differences to use Pillar terminology.

Proposed Rule 7.37(b)(6) would provide that an allocation to a Floor Broker Participant, which would be defined as a ''Floor Broker Allocation,'' would be allocated to orders with unique working times that comprise the Floor Broker Participant, which would be defined as ''Floor Broker Orders,'' on parity. The proposed reference to ''unique working times'' would refer to orders that have multiple working times. For example, pursuant to proposed Rule 7.31(d)(1)(B), each time a Reserve Order is replenished from reserve interest, a new working time would be assigned to the replenished quantity of the Reserve Order, while the reserve interest would retain the working time of original order entry. As a result, the display quantity of a Reserve Order may be represented by multiple orders with unique working times representing each replenishment. For purposes of the Floor Broker Allocation, each quantity with a unique working time would be considered a separate order.

As further proposed, the parity allocation within a Floor Broker Allocation would be processed as described in proposed Rule 7.37(b)(2)–(4) with the Floor Broker Allocation processed as the ''Aggressing Order'' and each Floor Broker Order processed as a ''Participant.'' Because a Floor Broker Participant may represent multiple orders, the Exchange believes that allocating the Floor Broker Allocation on parity would be consistent with the Exchange's allocation model, which provides for a parity allocation to Floor brokers. For example, if an Aggressing Order is allocated 200 shares to Floor Broker Participant ''X,'' which would be the Floor Broker Allocation, and ''X'' represents three Floor Broker Orders, ''A,'' ''B,'' and ''C'' for 100 shares each at a price and the parity pointer is on ''B,'' pursuant to proposed Rule 7.37(b)(6), the Floor Broker Allocation would be allocated 100 shares to ''B'' and 100 shares to ''C'' and ''A'' would not receive an allocation.

Proposed Rule 7.37(b)(8) would provide that if resting orders on one side of the market are repriced and become marketable against contra-side orders on the Exchange Book, the Exchange would rank the re-priced orders as described in proposed Rule 7.36(c) and trade them as Aggressing Orders consistent with their ranking.[22] This proposed functionality would be new for Pillar.

Proposed Rule 7.37(b)(9) would provide that if resting orders on both sides of the market are repriced and become marketable against one another, the Exchange would rank the orders on each side of the market as described in Rule 7.36(c) and trade them as follows:

• The best-ranked order would establish the price at which the marketable orders will trade, provided that if the marketable orders include MPL orders, orders would trade at the midpoint of the PBBO (proposed Rule 7.37(b)(9)(A)).

• The next best-ranked order would trade as the Aggressing Order with contra-side orders at that price pursuant to proposed Rule 7.37(b)(1) (proposed Rule 7.37(b)(9)(B)).

• When an Aggressing Order is fully executed, the next-best ranked order would trade as the Aggressing Order with contra-side orders at that price pursuant to proposed Rule 7.37(b)(1) (proposed Rule 7.37(b)(9)(C)).

• Orders on both sides of the market would continue to trade as the Aggressing Order until all marketable orders are executed (proposed Rule 7.37(b)(9)(D)).

Because proposed Rule 7.37 would address order execution and routing, including parity allocations, locking and crossing, and the Order Protection Rule, the Exchange proposes that Rules 15A, 19, 72(c), 1000, 1001, 1002, and 1004 would not be applicable to trading UTP Securities on the Pillar trading platform.[23]

Proposed Rule 7.31

Proposed Rule 7.31 (Orders and Modifiers) would establish the orders and modifiers that would be available on the Exchange for trading UTP

[22] The Exchange proposes to designated proposed Rule 7.37(b)(7) as ''Reserved.''

[23] Rule 72(d) would also not be applicable to trading UTP Securities on the Pillar trading platform, accordingly the Exchange would designate the entirety of Rule 72 as not applicable to trading UTP Securities on the Pillar trading platform.

Securities on the Pillar trading platform. The Exchange proposes to offer a subset of the orders and modifiers that are available on NYSE Arca Equities and NYSE American, with specified substantive differences, as described below.

• Proposed Rule 7.31(a) would establish the Exchange's proposed Primary Order Types. The Exchange would offer Market Orders, which would be described in proposed Rule 7.31(a)(1), and Limit Orders, which would be described in proposed Rule 7.31(a)(2). These proposed rules are based on NYSE Arca Equities Rule 7.31(a)(1) and (2) with one substantive difference. Because the Exchange would not be conducting auctions for UTP Securities and because, as described below, with the exception of Primary Pegged Orders, Limit Orders entered before the Core Trading Session would be deemed designated for both the Early Trading Session and the Core Trading Session, the Exchange proposes not to include the following text in proposed Rule 7.31(a)(2)(B): ''A Limit Order entered before the Core Trading Session that is designated for the Core Trading Session only will become subject to Limit Order Price Protection after the Core Open Auction.'' Instead, the Exchange proposes to provide that a Limit Order entered before the Core Trading Session that becomes eligible to trade in the Core Trading Session would become subject to the Limit Order Price Protection when the Core Trading Session begins. Accordingly, Primary Pegged Orders entered before the Core Trading Session begins would not be subject to Limit Order Price Protection until the Core Trading Session begins.

• Proposed Rule 7.31(b) would establish the proposed time-in-force modifiers available for UTP Securities on the Pillar trading platform. The Exchange would offer both Day and Immediate-or-Cancel (''IOC'') time-in-force modifiers. The rule text is based on NYSE Arca Equities Rule 7.31(b) and NYSE American Rule 7.31E(b) without any substantive differences.

• Proposed Rule 7.31(c) would establish the Exchange's Auction-Only Orders. Because the Exchange would not be conducting auctions in UTP Securities, the Exchange would route all Auction-Only Orders in UTP Securities to the primary listing market, as described in greater detail below in proposed Rule 7.34. To reflect this functionality, proposed Rule 7.31(c) would provide that an Auction-Only Order is a Limit or Market Order that is only to be routed pursuant to Rule 7.34. Proposed Rules 7.31(c)(1)–(4) would define Limit-on-Open Orders (''LOO Order''), Market-on-Open Order (''MOO Order''), Limit-on-Close Order (''LOC Order''), and Market-on-Close (''MOC Order''). The proposed rule text is based on NYSE Arca Equities Rule 7.31(c)(1)–(4) and NYSE American Rule 7.31E(c)(1)–(4), with the substantive difference not to include rule text relating to how Auction-Only Orders would function during a Trading Halt Auction, as the Exchange would not be conducting any auctions in UTP Securities. Because the Exchange would not have defined terms for auctions in the Pillar rules, the Exchange proposes an additional non-substantive difference to use the term ''an opening or re-opening auction'' instead of ''the Core Open Auction or a Trading Halt Auction'' and the term ''a closing auction'' instead of ''the Closing Auction.''

• Proposed Rule 7.31(d) would describe orders with a conditional or undisplayed price and/or size. Proposed Rule 7.31(d) is based on NYSE Arca Equities Rule 7.31(d) and NYSE American Rule 7.31E(d) without any differences.

• Proposed Rule 7.31(d)(1) would establish Reserve Orders, which would be a Limit Order with a quantity of the size displayed and with a reserve quantity (''reserve interest'') that is not displayed. Proposed Rule 7.31(d)(1) and subparagraphs (A)–(C) to that rule are based on NYSE Arca Equities Rule 7.31(d)(1) and its sub-paragraphs (A)–(C) without any substantive differences. As described below, the Exchange proposes to describe Limit Orders that do not route as ''Limit Non-Routable Order.''

• Proposed Rule 7.31(d)(2) would establish Limit Non-Displayed Orders, which would be a Limit Order that is not displayed and does not route. This proposed rule is based on NYSE Arca Equities Rule 7.31(d)(2), with one substantive difference: the Exchange would not be offering the ability for a Limit Non-Displayed Order to be designated with a Non-Display Remove Modifier and therefore would not be proposing rule text based on NYSE Arca Equities Rule 7.31(d)(2)(B).

• Proposed Rule 7.31(d)(3) would establish MPL Orders, which would be a Limit Order that is not displayed and does not route, with a working price at the midpoint of the PBBO. Proposed Rule 7.31(d)(3) is based on NYSE Arca Equities Rule 7.31(d)(3) and NYSE American Rule 7.31E(d)(3) with one substantive difference: because the Exchange would not be conducting auctions in UTP Securities, the Exchange does not propose to include rule text that MPL Orders do not participate in any auctions. Proposed Rules 7.31(d)(3)(A)–(F), which further describe MPL Orders, are based on NYSE Arca Equities Rule 7.31(d)(3)(A)–(F) with two substantive differences. First, the Exchange would not offer the optional functionality for an incoming Limit Order to be designated with a ''No Midpoint Execution'' modifier. Second, the Exchange would not offer for MPL Orders to be designated with a Non-Display Remove Modifier. Because the Exchange would not offer the Non-Display Remove Modifier for MPL Orders, the Exchange is not proposing rule text based on NYSE Arca Equities Rule 7.31(d)(3)(G).

• Proposed Rule 7.31(e) would establish orders with instructions not to route and is based on NYSE Arca Equities Rule 7.31(e) and NYSE American Rule 7.31E(e) without any differences.

• Proposed Rule 7.31(e)(1) would establish the Limit Non-Routable Order, which is a Limit Order that does not route. Proposed Rule 7.31(e)(1) and its sub-paragraphs (A)–(B) is based on NYSE Arca Equities Rule 7.31(e)(1) and its sub-paragraphs (A)–(B) and NYSE American Rule 7.31E(1) and its sub-paragraphs (A)–(B) without any substantive differences. Because the Exchange would not offer Non-Display Remove Modifiers for Limit Non-Routable Orders, the Exchange is not proposing rule text based on NYSE Arca Equities Rule 7.31(e)(1)(C).

• Proposed Rule 7.31(e)(2) and sub-paragraphs (B)–(D) would establish the ALO Order, which is a Limit Non-Routable Order that, except as specified in the proposed rule, would not remove liquidity from the Exchange Book. The proposed rule is based on NYSE Arca Equities Rule 7.31(e)(2) and its sub-paragraphs (B)–(D) with two substantive differences. First, because the Exchange would not have auctions in UTP Securities, the Exchange does not propose rule text based on NYSE Arca Equities Rule 7.31(e)(2)(A), and would designate this sub-paragraph as ''Reserved.'' Second, because the Exchange would not offer the Non-Display Remove Modifier for Limit Non-Routable Orders or Limit Non-Display Orders, the Exchange does not propose rule text based on NYSE Arca Equities Rule 7.31(e)(2)(B)(iv)(b).

• Proposed Rule 7.31(e)(3) and sub-paragraphs (A)–(D) would establish Intermarket Sweep Orders (''ISO''), which would be a Limit Order that does not route and meets the requirements of Rule 600(b)(3) [sic] of Regulation NMS and could be designated IOC or Day. The proposed rule is based on NYSE Arca Equities rule 7.31(e)(3) and its sub-

paragraphs (A)–(D) and its sub-paragraphs (A)–(D) [sic] with two substantive differences. First, because Exchange Floor brokers do not have the ability to enter orders directly on Away Markets, the Exchange does not currently offer the ability for Floor brokers to enter ISOs.[24] The Exchange similarly proposes that Floor brokers would not be able to enter ISOs for trading UTP Securities on the Pillar trading platform and therefore would specify that ISOs are not available to Floor brokers. Second, because Non-Display Remove Modifiers would not be available, the Exchange is not proposing rule text based on NYSE Arca Equities Rule 7.31(e)(3)(D)(iii)(b).

• Because the Exchange would not offer Primary Only Orders or Cross Orders, the Exchange proposes that Rules 7.31(f) and (g) would be designated as ''Reserved.''

• Proposed Rule 7.31(h) would establish Pegged Orders, which would be a Limit Order that does not route with a working price that is pegged to a dynamic reference price. Proposed Rule 7.31(h) is based on NYSE Arca Equities Rule 7.31(h) with one substantive difference. Consistent with the Exchange's current rules, Pegged Orders would be available only to Floor brokers.[25]

Proposed Rule 7.31(h)(2) and sub-paragraphs (A) and (B) would establish Primary Pegged Orders, which would be a Pegged Order to buy (sell) with a working price that is pegged to the PBB (PBO), must include a minimum of one round lot of displayed, and with no offset allowed. This proposed rule text is based on NYSE Arca Equities Rule 7.31(h)(2) and sub-paragraphs (A) and (B) with one substantive difference. Because the Exchange would not conduct auctions in UTP Securities, the Exchange does not propose to include rule text that a Primary Pegged Order would be eligible to participate in auctions at the limit price of the order.

Proposed Rule 7.31(h)(4) and sub-paragraphs (A) and (B) would establish a Non-Displayed Primary Pegged Order, which would be a Pegged Order to buy (sell) with a working price that is pegged to the PBB (PBO), with no offset allowed, that is not displayed. This rule text is based on NYSE American Rule 7.31E(h)(2), which describes a Primary Pegged Order that is not displayed. Similar to the rules of NYSE American, the proposed Non-Displayed Primary Pegged Order would be rejected on arrival, or cancelled when resting, if there is no PBBO against which to peg. In addition, Non-Displayed Primary Pegged Orders would be ranked Priority 3—Non-Display Orders and if the PBBO is locked or crossed, both an arriving and resting Non-Displayd [sic] Primary Pegged Order would wait for a PBBO that is not locked or crossed before the working price is adjusted and the order becomes eligible to trade.

Because the Exchange would not offer Market Pegged Order or Discretionary Pegged Orders, the Exchange proposes that paragraphs (h)(1) and (h)(3) of proposed Rule 7.31 would be designated as ''Reserved.''

• Proposed Rule 7.31(i)(2) would establish Self Trade Prevention Modifiers (''STP'') on the Exchange. As proposed, any incoming order to buy (sell) designated with an STP modifier would be prevented from trading with a resting order to sell (buy) also designated with an STP modifier and from the same Client ID, as designated by the member organization, and the STP modifier on the incoming order would control the interaction between two orders marked with STP modifiers. Proposed Rule 7.31(i)(2)(A) would establish STP Cancel Newest (''STPN'') and proposed Rule 7.31(i)(2)(B) would establish STP Cancel Oldest (''STPO''). Proposed Rule 7.31(i)(2) and subparagraphs (A) and (B) are based in part on NYSE Arca Equities Rule 7.31(i)(2) and its sub-paragraphs (A) and (B) and NYSE American Rule 7.31E(i)(2) and its sub-paragraphs (A) and (B), with substantive differences to specify how STP modifiers would function consistent with the Exchange's proposed allocation model.

Specifically, because, as described above, resting orders are allocated either on parity or time based on the priority category of an order, the Exchange proposes to specify in proposed Rule 7.31(i)(2) that the Exchange would evaluate the interaction between two orders marked with STP modifiers from the same Client ID consistent with the allocation logic applicable to the priority category of the resting order. The proposed rule would further provide that if resting orders in a priority category do not have an STP modifier from the same Client ID, the incoming order designated with an STP modifier would trade with resting orders in that priority category before being evaluated for STP with resting orders in the next priority category.

For STPN, proposed Rule 7.31(i)(2)(A)(i) would provide that if a resting order with an STP modifier from the same Client ID is in a priority category that allocates orders on price-time priority, the incoming order marked with the STPN modifier would be cancelled back to the originating member organization and the resting order marked with one of the STP modifiers would remain on the Exchange Book. This proposed rule is based on NYSE Arca Equities Rule 7.31(i)(2)(A) and NYSE American Rule 7.31E(i)(2)(A), with non-substantive differences to specify that this order processing would be applicable for orders that are allocated in price-time priority.

Proposed Rule 7.31(i)(2)(A)(ii) would be new and would address how STPN would function for resting orders in a priority category that allocates orders on parity. As proposed, if a resting order with an STP modifier from the same Client ID is in a priority category that allocates orders on parity and would have been considered for an allocation, none of the resting orders eligible for a parity allocation in that priority category would receive an allocation and the incoming order marked with the STPN modifier would be cancelled back.[26] The Exchange believes that if a member organization designates an order with an STPN modifier, that member organization has instructed the Exchange to cancel the incoming order rather than trade with a resting order with an STP modifier from the same Client ID. Because in a parity allocation, resting orders are allocated based on their position on an allocation wheel, as described above, it would be consistent with the incoming order's instruction to cancel the incoming order if any of the resting orders eligible to participate in the parity allocation has an STP modifier from the same Client ID.

For STPO, proposed Rule 7.31(i)(2)(B)(i) would provide that if a resting order with an STP modifier from the same Client ID is in a priority category that allocates orders on price-time priority, the resting order marked with the STP modifier would be cancelled back to the originating member organization and the incoming order marked with the STPO modifier would remain on the Exchange Book. This proposed rule is based on NYSE Arca Equities Rule 7.31(i)(2)(B) and NYSE American Rule 7.31E(i)(2)(B), with non-substantive differences to specify that this order processing would

[24] *See* Rule 70(a)(i).

[25] *See* Rule 13(f)(1)(A)(i), which describes Pegging Interest as being available for e-Quotes and d-Quotes, which is functionality available only to Floor brokers.

[26] As described above, if there were resting Market Orders against which the incoming order was marketable, because Market Orders are in a different priority category, the incoming order would trade with the resting Market Orders before being assessed for STP with resting orders in a parity priority category.

be applicable for orders that are allocated in price-time priority.

Proposed Rule 7.31(i)(2)(B)(ii) would be new and would address how STPO would function for resting orders in a priority category that allocates orders on parity. As proposed, if a resting order with an STP modifier from the same Client ID is in a priority category that allocates orders on parity, all resting orders with the STP modifier with the same Client ID in that priority category that would have been considered for an allocation would not be eligible for a parity allocation and would be cancelled. The rule would further provide that an incoming order marked with the STPO modifier would be eligible to trade on parity with orders in that priority category that do not have a matching STP modifier and that resting orders in that priority category with an STP modifier from the same Client ID that would not have been eligible for a parity allocation would remain on the Exchange Book. The Exchange believes that this proposed processing of STPO would allow for the incoming order to continue to trade with resting orders that do not have an STP modifier from the same client ID, while at the same time processing the instruction that resting orders with an STP from the same Client ID would be cancelled if there were a potential for an execution between the two orders.

• Proposed Commentary .01 and .02 to Rule 7.31is based on Commentary .01 and .02 to NYSE Arca Equities Rule 7.31 without any substantive differences.

Because proposed Rule 7.31 would govern orders and modifiers, including orders entered by Floor brokers, the Exchange proposes that Rules 13 (Orders and Modifiers) and 70 (Execution of Floor broker interest) would not be applicable to trading UTP Securities on the Pillar trading platform. In addition, references to Trading Collars in Rule 1000(c) would not be applicable to trading UTP Securities on the Pillar Trading platform.[27]

Proposed Rule 7.10

Proposed Rule 7.10 (Clearly Erroneous Executions) would set forth the Exchange's rules governing clearly erroneous executions. The proposed rule is based on NYSE Arca Equities Rule 7.10 and NYSE American Rule 7.10E with substantive differences not to refer to a Late Trading Session or Cross Orders. The Exchange proposes rule text based on NYSE Arca Equities rather than current Rule 128 (Clearly Erroneous Executions) because the NYSE Arca Equities and NYSE American version of the rule uses the same terminology that the Exchange is proposing for the Pillar trading platform, *e.g.,* references to Early and Core Trading Sessions. Accordingly, the Exchange proposes that Rule 128 (Clearly Erroneous Executions) would not be applicable to trading UTP Securities on the Pillar trading platform.[28] Because the Exchange would not be conducting auctions in UTP Securities, proposed Rule 7.10(a) would not include the last sentence of NYSE Arca Equities Rule 7.10(a), which provides that ''[e]xecutions as a result of a Trading Halt Auction are not eligible for a request to review as clearly erroneous under paragraph (b) of this Rule.''

Proposed Rule 7.11

Proposed Rule 7.11 (Limit Up-Limit Down Plan and Trading Pauses in Individual Securities Due to Extraordinary Market Volatility) would establish how the Exchange would comply with the Regulation NMS Plan to Address Extraordinary Market Volatility (''LULD Plan'').[29] The proposed rule is based on NYSE American Rule 7.11E with the following substantive differences. First, as proposed, the Exchange would not offer the optional functionality for a member organization to instruct the Exchange to cancel a Limit Order that cannot be traded or routed at prices at or within the Price bands, rather than the default processing of re-pricing a Limit Order to the Price Bands, as described in proposed Rule 7.11(a)(5)(B)(i). Accordingly, the Exchange would not include text relating to this instruction, as described in NYSE American Rules 7.11E(a)(5)(B)(i), 7.11E(a)(5)(C), or 7.11E(a)(5)(F). Second, because the Exchange would not be offering orders that include specific routing instructions, Q Orders, or Limit IOC Cross Orders, the Exchange would not include text that references these order types, as described in NYSE American Rule 7.11E(a)(5)(B)(iii), 7.11E(a)(5)(D), 7.11E(a)(5)(E), and 7.11E(a)(6). The Exchange proposes to designate proposed Rules 7.11(a)(5)(D) and 7.11(a)(5)(E) as ''Reserved.''

Finally, because proposed Rule 7.11 would govern trading in UTP Securities and the Exchange would not conduct auctions for such securities, the Exchange does not propose rule text from NYSE American Rule 7.11E(b) that describes how the Exchange would re-open trading in a security. The Exchange proposes that Rule 7.11(b)(1) would be based on rule text from NYSE American Rule 7.11E(b)(1).

Because the proposed rule covers the same subject matter as Rule 80C, the Exchange proposes that Rule 80C would not be applicable to trading UTP Securities on the Pillar trading platform.

Proposed Rule 7.16

Proposed Rule 7.16 (Short Sales) would establish requirements relating to short sales. The proposed rule is based on NYSE Arca Equities Rule 7.16 and NYSE American Rule 7.16E with two substantive differences. First, because the proposed rule would not be applicable to any securities that are listed on the Exchange, the Exchange would not be evaluating whether the short sale price test restrictions of Rule 201 of Regulation SHO have been triggered. Accordingly, the Exchange does not propose rule text based on NYSE Arca Equities Rule 7.16(f)(3) or NYSE American Rule 7.16E(f)(3) and would designate that sub-paragraph as ''Reserved.'' For similar reasons, the Exchange proposes not to include rule text based on NYSE Arca Equities Rules 7.16(f)(4)(A) and (B) or NYSE American Rule 7.16E(f)(4)(A) and (B).

Second, because the Exchange would not be offering Tracking Orders, Cross Orders, or the Proactive if Locked/Crossed Modifier, the Exchange does not propose rule text based on NYSE Arca Equities Rule 7.16(f)(5)(D), (G), or (I) or NYSE American Rule 7.16E(f)(5)(D), (G), or (I). The Exchange proposes to designate proposed Rules 7.16(f)(5)(D) and (G) as ''Reserved.''

Because the proposed rule covers the same subject matter as Rule 440B (Short Sales), the Exchange proposes that Rule 440B would not be applicable to trading UTP Securities on the Pillar trading platform.

Proposed Rule 7.18

The Exchange proposes to amend Rule 7.18 (Halts) to establish how the Exchange would process orders during a halt in a UTP Security and when it would halt trading in a UTP Exchange Traded Product.[30] Proposed Rule

[27] As described in greater detail above in connection with proposed Rule 7.37, the Exchange proposes that the entirety of Rule 1000 would not be applicable to trading UTP Securities on the Pillar trading platform.

[28] The Exchange proposes that because there is not a prior version of proposed Rule 7.10, if the Limit Up-Limit Down Plan is not approved, the prior version of sections (c), (e)(2), (f) and (g) of Rule 128 would be in effect.

[29] *See* Securities Exchange Act Release No. 80455 (April 13, 2017), 81 FR 24908 (April 27, 2016) (File No. 4–631) (Order approving 12th Amendment to the LULD Plan) [sic].

[30] The term ''UTP Exchange Traded Product'' is defined in Rule 1.1(bbb) to mean an Exchange

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7.18(b) would provide that the Exchange would not conduct a Trading Halt Auction in a UTP Security and would process new and existing orders in a UTP Security during a UTP Regulatory Halt [31] as described in proposed Rule 7.18(b)(1)–(6). The proposed rule text is based on NYSE Arca Equities Rule 7.18(b) and its sub-paragraphs (1)–(6) and NYSE American Rule 7.18E(b) and its sub-paragraphs (1)–(6) with one substantive difference. Because the Exchange would not be offering ''Primary Only'' orders, proposed Rule 7.18(b)(5) would not reference such order types.

The Exchange proposes to amend Rule 7.18(d)(1)(A) to specify that if a UTP Exchange Traded Product begins trading on the Exchange in the Early Trading Session and subsequently a temporary interruption occurs in the calculation or wide dissemination of the Intraday Indicative Value (''IIV'') or the value of the underlying index, as applicable, to such UTP Exchange Traded Product, by a major market data vendor, the Exchange may continue to trade the UTP Exchange Traded Product for the remainder of the Early Trading Session. This proposed rule text is based on NYSE Arca Equities Rule 7.18(d)(1)(A) and NYSE American Rule 7.18E(d)(1)(A) without any substantive differences. The Exchange also proposes to amend Rule 7.18(d)(1)(B) to change the reference from ''Exchange's Normal Trading Hours'' to the term ''Core Trading Session,'' which would be defined in proposed Rule 7.34, described below.

The Exchange also proposes to amend Rule 7.18(a) to change the cross reference from Rule 80C to Rule 7.11 as proposed Rule 7.11 would govern how the Exchange would comply with the LULD Plan for trading UTP Securities.

Proposed Rule 7.34

Proposed Rule 7.34 would establish trading sessions on the Exchange. The Exchange proposes that on the Pillar trading platform, it would have Early and Core Trading Sessions. Accordingly, proposed Rule 7.34 is based in part on NYSE Arca Equities Rule 7.34 and NYSE American Rule 7.34E, with the following substantive differences. First, similar to NYSE American, the Exchange proposes that the Early Trading Session would begin at 7:00 a.m. Eastern Time. Similar to NYSE Arca Equities and NYSE American, the Exchange would begin accepting orders 30 minutes before the Early Trading Session begins, which means order entry acceptance would begin at 6:30 a.m. Eastern Time. These differences would be reflected in proposed Rule 7.34(a)(1).

Second, proposed Rule 7.34(b) would be new and is not based on NYSE Arca Equities Rule 7.34(b) or NYSE American Rule 7.34E(b). Rather than require member organizations to include a designation for which trading session the order would be in effect, the Exchange proposes to specify in Rule 7.34(b) and (c) which trading sessions an order would be deemed designated. Proposed Rule 7.34(b)(1) would provide that unless otherwise specified in Rule 7.34(c), an order entered before or during the Early or Core Trading Session would be deemed designated for the Early Trading Session and the Core Trading Session. Proposed Rule 7.34(b)(2) would provide that an order without a time-in-force designation would be deemed designated with a day time-in-force modifier.

Proposed Rule 7.34(c) would specify which orders would be permitted in each session. Proposed Rule 7.34(c)(1) would provide that unless otherwise specified in paragraphs (c)(1)(A)–(C), orders and modifiers defined in Rule 7.31 would be eligible to participate in the Early Trading Session. This proposed rule text is based on NYSE Arca Equities Rule 7.34(c)(1) and NYSE American Rule 7.34E(c)(1) with a substantive difference not to refer to orders ''designated'' for the Early Trading Session. In addition, because the Exchange would not be offering a Retail Liquidity Program, the Exchange would not reference Rule 7.44.

- Proposed Rule 7.34(c)(1)(A) would provide that Pegged Orders would not be eligible to participate in the Early Trading Session. This rule text is based in part on NYSE Arca Equities Rule 7.34(c)(1)(A) and NYSE American Rule 7.34E(c)(1)(A) in the [sic] Pegged Orders would not be eligible to participate in the Early Trading Session. The Exchange proposes a substantive difference from the NYSE Arca Equities and NYSE American rules because proposed Rule 7.34(c)(1)(A) would not refer to Market Orders. Market Orders entered during the Early Trading Session would be addressed in proposed Rule 7.34(c)(1)(C), described below. The proposed rule would further provide that Non-Displayed Primary Pegged Orders entered before the Core Trading Session would be rejected and Primary Pegged Orders entered before the Core Trading Session would be accepted but would not be eligible to trade until the Core Trading Session begins. This rule text is based in part on both NYSE Arca Equities Rule 7.34(c)(1)(A) and NYSE American Rule 7.34E(c)(1)(A), but uses terminology consistent with the Exchange's proposed order types.
- Proposed Rule 7.34(c)(1)(B) would provide that Limit Orders designated IOC would be rejected if entered before the Early Trading Session begins. This proposed rule is based on NYSE Arca Equities Rule 7.34(c)(1)(B) and NYSE American Rule 7.34E(c)(1)(B) with two substantive differences. First, because the Exchange would not be conducting auctions, the Exchange proposes to specify that the rejection period would begin ''before the Early Trading Session begins'' rather than state ''before the Early Open Auction concludes.'' Second, the Exchange would not refer to Cross Orders, which would not be offered on the Exchange.
- Proposed Rule 7.34(c)(1)(C) would provide that Market Orders and Auction-Only Orders in UTP Securities entered before the Core Trading Session begins would be routed to the primary listing market on arrival and any order routed directly to the primary listing market on arrival would be cancelled if that market is not accepting orders. This proposed rule is based on NYSE Arca Equities Rule 7.34(c)(1)(D) and NYSE American Rule 7.34E(c)(1)(D) with a non-substantive difference to specify that such orders would be routed until the Core Trading Session begins.

Proposed Rule 7.34(c)(2) would provide that unless otherwise specified in Rule 7.34(c)(2)(A)–(B), all orders and modifiers defined in Rule 7.31 would be eligible to participate in the Core Trading Session. This proposed rule text is based on NYSE Arca Equities Rule 7.34(c)(2) and NYSE American Rule 7.34E(c)(2) with a substantive difference not to refer to orders ''designated'' for the Core Trading Session. In addition, because the Exchange would not be offering a Retail Liquidity Program, the Exchange would not reference Rule 7.44.

- Proposed Rule 7.34(c)(2)(A) would provide that Market Orders in UTP Securities would be routed to the primary listing market until the first opening print of any size on the primary listing market or 10:00 a.m. Eastern Time, whichever is earlier. This

Traded Product that trades on the Exchange pursuant to unlisted trading privileges. The terms ''Exchange Traded Product'' and ''UTP Exchange Traded Product'' on the Exchange have the same meaning as the NYSE Arca Equities terms ''Derivatives Securities Product'' and ''UTP Derivative Securities Product,'' which are defined in NYSE Arca Equities Rule 1.1(bbb). The Exchange proposes a non-substantive difference in proposed Rule 7.18 as compared to NYSE Arca Equities Rule 7.18 to use the Exchange-defined terms.

[31] The term ''UTP Regulatory Halt'' is defined in Rule 1.1(kk) to mean a trade suspension, halt, or pause called by the UTP Listing Market in a UTP Security that requires all market centers to halt trading in that security.

proposed rule is based on NYSE Arca Equities Rule 7.34(c)(2)(A) and NYSE American Rule 7.34E(c)(2)(A) with a non-substantive difference to use the term ''UTP Securities'' instead of referencing orders that ''are not eligible for the Core Open Auction.''

• Proposed Rule 7.34(c)(2)(B) would provide that Auction-Only Orders in UTP Securities would be accepted and routed directly to the primary listing market. This proposed rule is based on NYSE Arca Equities Rule 7.34(c)(2)(B) and NYSE American Rule 7.34E(c)(2)(B) with a non-substantive difference to use the term ''UTP Securities'' instead of referencing orders that ''are not eligible for an auction on the Exchange.''

Proposed Rule 7.34(d) would establish requirements for member organizations to provide customer disclosure when accepting orders for execution in the Early Trading Session. The proposed rule is based on NYSE Arca Equities Rule 7.34(d) and NYSE American Rule 7.34E(d) without any substantive differences.

Proposed Rule 7.34(e) would provide that trades on the Exchange executed and reported outside of the Core Trading Session would be designated as .T trades. This proposed rule is based on NYSE Arca Equities Rule 7.34(e) and NYSE American Rule 7.34E(e) without any substantive differences.

Proposed Rule 7.38

Proposed Rule 7.38 (Odd and Mixed Lot) would establish requirements relating to odd lot and mixed lot trading on the Exchange. The proposed rule is based on NYSE Arca Equities Rule 7.38 and NYSE American Rule 7.38E with one substantive difference. Because orders ranked Priority 2—Display Orders, including odd-lot sized orders, are on an allocation wheel at their display price, the Exchange proposes that if the display price of an odd-lot order to buy (sell) is above (below) its working price (*i.e.,* the PBBO, which is the price at which the odd-lot order is eligible to trade, has crossed the display price of that odd-lot order), the odd-lot order would be ranked and allocated based on its display price. In such case, the order would execute at its working price, but if there is more than one odd-lot order at the different display price, they would be allocated on parity.

For example, if at 10.02, the Exchange has an order ''A'' to buy 50 shares ranked Priority 2—Display Orders, and at 10.01, the Exchange has an order ''B'' to buy 10 shares ranked Priority 2—Display Orders, an order ''C'' to buy 10 shares ranked Priority 2—Display Orders, and an order ''D'' to buy 10 shares ranked Priority 2—Display Orders, and the parity pointer is on order ''C,'' if the Away Market PBO becomes 10.00, which crosses the display price of ''A,'' ''B,'' ''C,'' and ''D,'' those orders would trade at 10.00. If the Exchange were to receive a Market Order to sell 70 shares, it would trade at 10.00 and be allocated 50 shares to ''A,'' 10 shares to ''C,'' and 10 shares to ''D.'' ''B'' would not receive an allocation based on its position on the allocation wheel.

The Exchange proposes that Rule 61 (Recognized Quotations) would not be applicable to trading UTP Securities on the Pillar trading platform.

Proposed Rule 7.46

Section 5 of Rule 7P would establish requirements relating to the Plan to Implement a Tick Size Pilot Program. Proposed Rule 7.46 (Tick Size Pilot Plan) would specify such requirements. The proposed rule is based on NYSE American Rule 7.46E with the following substantive differences for proposed Rule 7.46(f). First, because the Exchange would not offer Market Pegged Orders, the Exchange proposes that paragraph (f)(3) of the Rule would be designated as ''Reserved.'' Second, the Exchange proposes to set forth the priority of resting orders both for ranking and for allocation. For Pilot Securities in Test Group Three, proposed Rule 7.46(f)(5)(A) would govern ranking instead of proposed Rule 7.36(e), described above, as follows:

• Priority 2—Display Orders. Non-marketable Limit Orders with a displayed working price would have first priority.

• Protected Quotations of Away Markets. Protected quotations of Away Markets would have second priority.

• Priority 1—Market Orders. Unexecuted Market Orders would have third priority.

• Priority 3—Non-Display Orders. Non-marketable Limit Orders for which the working price is not displayed, including reserve interest of Reserve Orders, would have fourth priority.

For Pilot Securities in Test Group Three, proposed Rule 7.46(f)(5)(B) would set forth how an Aggressing Order would be allocated against contra-side orders, instead of proposed Rule 7.37(b)(1), described above, as follows:

• First, an order with Setter Priority that has a display price and working price equal to the BBO would receive 15% of the remaining quantity of the Aggressing Order, rounded up to the next round lot size or the remaining displayed quantity of the order with Setter Priority, whichever is lower. An order with Setter Priority would be eligible for Setter Priority allocation if the BBO is no longer the same as the NBBO.

• Next, orders ranked Priority 2—Displayed Orders would be allocated on parity by Participant. The remaining quantity of the order with Setting Priority would be eligible to participate in this parity allocation, consistent with the allocation wheel position of the Participant that entered the order with Setter Priority.

• Next, subject to proposed Rule 7.46(f)(5)(F) (describing orders with instructions not to route), the Exchange would route the Aggressing Order to protected quotations of Away Markets.

• Next, orders ranked Priority 1—Market Orders would trade based on time.

• Next, orders ranked Priority 3—Non-Display Orders, other than MPL Orders with an MTS, would be allocated on parity by Participant.

• Next, MPL Orders with an MTS would be allocated based on MTS size (smallest to largest) and time.

Third, the Exchange would not include rule text based on NYSE American Rule 7.46E(f)(G), relating to Limit IOC Cross Orders, which would not be offered on the Exchange. Finally, proposed Rules 7.46(f)(5)(F)(i)(a) and (b) are based on NYSE Arca Equities Rules 7.46(f)(5)(F)(i)(a) and (b) and not the NYSE American version of the rule because NYSE American does not offer Day ISO orders.

The Exchange proposes that Rule 67 (Tick Size Pilot Plan) would not be applicable to trading UTP Securities on the Pillar trading platform.

Amendments to Rule 103B and 107B

As described above, the Exchange would not assign UTP Securities to DMMs. Accordingly, the Exchange proposes to amend Rule 103B(I) (Security Allocation and Reallocation) to specify that UTP Securities would not be allocated to a DMM unit.

In addition, because UTP Securities would be eligible to be assigned to Supplemental Liquidity Providers, the Exchange proposes to amend Rule 107B (Supplemental Liquidity Providers) to replace the term ''NYSE-listed securities'' with the term ''NYSE-traded securities,'' which would include UTP Securities.

Current Rules That Would Not Be Applicable to Trading UTP Securities on Pillar

As described in more detail above, in connection with the proposed rules to support trading of UTP Securities on the Pillar trading platform, the Exchange has identified current Exchange rules that would not be applicable because

they would be superseded by a proposed rule. The Exchange has identified additional current rules that would not be applicable to trading on Pillar. These rules do not have a counterpart in the proposed Pillar rules, described above, but would be obsolete when trading UTP Securities on Pillar.

The main category of rules that would not be applicable to trading on the Pillar trading platform are those rules that are specific to auctions and Floor-based point-of-sale trading, including requirements relating to DMMs and Floor brokers. For this reason, the Exchange proposes that the following Floor-specific rules would not be applicable to trading on the Pillar trading platform:

- Rule 15 (Pre-Opening Indication and Opening Order Imbalance Information).
- Rule 74 (Publicity of Bids and Offers).
- Rule 75 (Disputes as to Bids and Offers).
- Rule 76 ('Crossing' Orders).
- Rule 77 (Prohibited Dealings and Activities).
- Rule 79A (Miscellaneous Requirements on Stock Market Procedures).
- Rule 108 (Limitation on Members' Bids and Offers).
- Rule 111 (Reports of Executions).
- Rule 115A (Orders at Opening).
- Rule 116 ('Stop' Constitutes Guarantee).
- Rule 123A (Miscellaneous Requirements).
- Rule 123B (Exchange Automated Order Routing System).
- Rule 123C (The Closing Procedures).
- Rule 123D (Openings and Halts in Trading).
- Rule 127 (Block Crosses Outside the Prevailing NYSE Quotation).

In addition, as noted above, the Exchange would not offer a Retail Liquidity Program when it trades on the Pillar trading platform. Proposed rules that are based on NYSE Arca Equities rules that include a cross reference to NYSE Arca Equities Rule 7.44 would not include that rule reference. The Exchange also proposes that Rule 107C would not be applicable to trading UTP Securities on the Pillar trading platform.

* * * * *

As discussed above, because of the technology changes associated with the migration to the Pillar trading platform, the Exchange will announce by Trader Update when the Pillar rules for trading UTP Securities will become operative.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[32] in general, and furthers the objectives of Section 6(b)(5),[33] in particular, because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest. The Exchange believes that the proposed rules to support Pillar on the Exchange would remove impediments to and perfect the mechanism of a free and open market because they provide for rules to support the Exchange's introduction of trading UTP Securities on the Pillar trading platform.

Generally, the Exchange believes that the proposed rules would remove impediments to and perfect the mechanism of a free and open market and a national market system because they would support the Exchange's introduction of trading UTP Securities in a manner that would use Pillar terminology to describe how the Exchange's current Floor-based parity allocation model with Setter Priority would operate, with specified substantive differences from current rules, and introduce Pillar rules for the Exchange that are based on the rules of its affiliated markets, NYSE Arca Equities and NYSE American.

With respect to how UTP Securities would be ranked, displayed, executed, and routed on Pillar, the Exchange believes that proposed Rules 7.36(a)–(g) and proposed Rules 7.37(a) and (c)–(g) would remove impediments to and perfect the mechanism of a free and open market and a national market system because these rules would use Pillar terminology that is based on the approved rules of NYSE Arca Equities and NYSE American. The Exchange believes that proposed Rule 7.36(h), which would establish Setter Priority, would remove impediments to and perfect the mechanism of a free and open market and a national market system because the proposed rule is based on current Rule 72(a), with substantive differences designed to encourage the display of aggressively-priced orders by requiring that an order not only establish the BBO, but also establish or join the NBBO to be eligible for Setter Priority. The Exchange similarly believes that proposed Rule 7.37(b), which would use Pillar terminology to describe how an Aggressing Order would be allocated, would remove impediments to and perfect the mechanism of a free and open market and a national market system because it is based on current Rule 72(b) and (c). The Exchange believes that the proposed substantive difference to maintain separate allocation wheels for displayed and non-displayed orders at each price would promote just and equitable principles of trade because it would allow for Exchange member organizations to establish their position on an allocation wheel at each price point, rather than rely on their position on a single allocation wheel that would be applicable to trades at multiple price points.

The Exchange believes that proposed Rules 7.10, 7.11, 7.16, 7.18, 7.31, 7.34, 7.38, and 7.46 would remove impediments to and perfect the mechanism of a free and open market and a national market system because they are based on the rules of NYSE Arca Equities and NYSE American. The proposed substantive differences to the Exchange's rules would be because the Exchange would not be offering the full suite of orders and modifiers available on NYSE Arca Equities and NYSE American. In addition, the Exchange proposes substantive differences to these rules consistent with the Exchange's proposed parity allocation model. The Exchange believes that the proposed substantive differences for these rules would remove impediments to and perfect the mechanism of a free and open market and a national market system because they would provide transparency of which orders, modifiers and instructions would be available on the Exchange when it begins trading UTP Securities on the Pillar trading platform, and how the Pillar rules would function with a parity allocation model.

The Exchange believes that the proposed substantive differences to Rule 7.34 to offer Early and Core Trading Sessions, but not a Late Trading Session, would remove impediments to and perfect the mechanism of a free and open market and a national market system because it is consistent with the Exchange's current hours, described in Rule 51, that the Exchange is not open for business after 4:00 p.m. Eastern Time. The Exchange further believes that adding a trading session before 9:30 a.m. Eastern Time would provide additional time for Exchange member organizations to trade UTP Securities on the Exchange consistent with the trading hours of other exchanges,

[32] 15 U.S.C. 78f(b).

[33] 15 U.S.C. 78f(b)(5).

including NYSE American, which also will begin trading at 7:00 a.m. Eastern Time.

The Exchange believes that the proposed amendments to Rules 103B and 107B would remove impediments to and perfect the mechanism of a free and open market and a national market system because they would provide transparency that the Exchange would not be assigning UTP Securities to DMMs and that member organizations would be eligible to register as a Supplemental Liquidity Providers in UTP Securities. The Exchange further believes that not assigning DMMs to UTP Securities is consistent with just and equitable principles of trade because the Exchange would not be conducting auctions in UTP Securities and therefore the Exchange would not need DMMs assigned to such securities to facilitate auctions. Not having DMMs registered in UTP Securities is also consistent with how NYSE Arca Equities and NYSE American function on Pillar, in that neither lead market makers (on NYSE Arca Equities) nor electronic designated market makers (on NYSE American) are assigned securities not listed on those exchanges. The Exchange further believes that it would remove impediments to and perfect the mechanism of a free and open market and a national market system for member organizations to be eligible to register as Supplemental Liquidity Providers in UTP Securities as this would provide an incentive for displayed liquidity in UTP Securities.

The Exchange further believes that it would remove impediments to and perfect the mechanism of a free and open market and a national market system to specify which current rules would not be applicable to trading UTP Securities on the Pillar trading platform. The Exchange believes that the following legend, which would be added to existing rules, ''This Rule is not applicable to trading UTP Securities on the Pillar trading platform,'' would promote transparency regarding which rules would govern trading UTP Securities on the Exchange on Pillar. The Exchange has proposed to add this legend to rules that would be superseded by proposed rules or rules that would not be applicable because they relate to auctions or Floor-based point-of-sale trading.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is designed to propose rules to support trading of UTP Securities on the Exchange's new Pillar trading platform. The Exchange operates in a highly competitive environment in which its unaffiliated exchange competitors operate multiple affiliated exchanges that operate under common rules. By adding the trading of UTP Securities on the Exchange, the Exchange believes that it will be able to compete on a more level playing field with its exchange competitors that similarly trade all NMS Stocks. In addition, by basing certain rules on those of NYSE Arca Equities and NYSE American, the Exchange will provide its members with consistency across affiliated exchanges, thereby enabling the Exchange to compete with unaffiliated exchange competitors that similarly operate multiple exchanges on the same trading platforms.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule 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–NYSE–2017–36 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–NYSE–2017–36. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSE–2017–36 and should be submitted on or before August 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[34]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16742 Filed 8–8–17; 8:45 am]

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[34] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81304; File No. SR–BatsBZX–2017–48]

Self-Regulatory Organizations; Bats BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Related to Fees for Use on Bats BZX Exchange, Inc.'s Equity Options Platform

August 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 25, 2017 Bats BZX Exchange, Inc. (the ''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as one establishing or changing a member due, fee, or other charge imposed by the Exchange under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposed rule change effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend to amend its fees and rebates applicable to Members [5] and non-Members of the Exchange pursuant to BZX Rules 15.1(a) and (c).

The text of the proposed rule change is available at the Exchange's Web site at *www.bats.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to modify the fee schedule applicable to the Exchange's equity options platform (''BZX Options'') to increase the fees for both Internal and External Distribution of its Multicast PITCH market data feed. Multicast PITCH is a market data product that offers depth of book quotations and execution information based on options orders entered into the System.

The Exchange currently charges both Internal Distributors [6] and External Distributors [7] of Multicast PITCH a fee of $1,500 per month. The Exchange now proposes to increase this fee and to charge Internal and External Distributors different rates. Specifically, the Exchange proposes to charge Internal Distributors of Multicast PITCH a fee of $3,000 per month and External Distributors a fee of $2,000 per month.[8] The Exchange also proposes to make clear in its fee schedule that where a Distributor acts as both an External and Internal Distributor of Multicast PITCH that it will pay the greater of the two Distribution fees for internal or external use and not be charged both fees each month.

The Exchange proposes to implement these amendments to its fee schedule on August 1, 2017.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6 of the Act,[9] in general, and furthers the objectives of Section 6(b)(4),[10] in particular, as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its members and other recipients of Exchange data. The Exchange believes that the proposed rates are equitable and non-discriminatory in that they apply uniformly to all recipients of Exchange data. The Exchange believes the proposed fees are competitive with those charged by other venues and, therefore, reasonable and equitably allocated to recipients. Lastly, the Exchange also believes that the proposed fees are reasonable and non-discriminatory because they will apply uniformly to all recipients of Exchange data.

The Exchange also believes that the proposed rule change is consistent with Section 11(A) of the Act [11] in that it supports (i) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets; and (ii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities. Furthermore, the proposed rule change is consistent with Rule 603 of Regulation NMS,[12] which provides that any national securities exchange that distributes information with respect to quotations for or transactions in an NMS stock do so on terms that are not unreasonably discriminatory. In adopting Regulation NMS, the Commission granted self-regulatory organizations and broker-dealers increased authority and flexibility to offer new and unique market data to the public. It was believed that this authority would expand the amount of data available to consumers, and also spur innovation and competition for the provision of market data.

In addition, the proposed fees would not permit unfair discrimination because all of the Exchange's subscribers will be subject to the proposed fees on an equivalent basis. The Multicast PITCH is distributed and purchased on a voluntary basis, in that neither the Exchange nor the market data Distributors are required by any rule or regulation to make this data available. Accordingly, Distributors can

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

[5] The term ''Member'' is defined as ''any registered broker or dealer that has been admitted to membership in the Exchange.'' *See* Exchange Rule 1.5(n).

[6] *See* Exchange Rule 21.15(b)(1). The term ''System'' is defined as ''the electronic communications and trading facility designated by the Board through which securities orders of Users are consolidated for ranking, execution and, when applicable, routing away. A Distributor ''is any entity that receives the Exchange Market Data product directly from the Exchange or indirectly through another entity and then distributes it internally or externally to a third party.'' *See* the Exchange's fee schedule *available at http://www.bats.com/us/options/membership/fee_schedule/bzx/.* An Internal Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to one or more Users within the Distributor's own entity. *Id.*

[7] An External Distributor of an Exchange Market Data product is a Distributor that receives the Exchange Market Data product and then distributes that data to a third party or one or more Users outside the Distributor's own entity. *Id.*

[8] The Exchange issued a notice on June 1, 2017 describing the proposed fee increase. *See* Bats BZX Options Fee Schedule Changes Effective July 3, 2017 and August 1, 2017, *available at http://cdn.batstrading.com/resources/fee_schedule/2017/Bats-BZX-Options-Fee-Schedule-Changes-Effective-July-1-2017.pdf.*

[9] 15 U.S.C. 78f.

[10] 15 U.S.C. 78f(b)(4).

[11] 15 U.S.C. 78k–1.

[12] 17 CFR 242.603.

discontinue their use at any time and for any reason, including due to an assessment of the reasonableness of fees charged. Firms have a wide variety of alternative market data products from which to choose, such as similar proprietary data products offered by other exchanges and consolidated data. Moreover, the Exchange is not required to make any proprietary data products available or to offer any specific pricing alternatives to any customers.

In addition, the fees that are the subject of this rule filing are constrained by competition. As explained below in the Exchange's Statement on Burden on Competition, the existence of alternatives to the Multicast PITCH further ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when subscribers can elect such alternatives. That is, the Exchange competes with other exchanges (and their affiliates) that provide similar market data products. If another exchange (or its affiliate) were to charge less to consolidate and distribute its similar product than the Exchange charges to consolidate and distribute the Multicast PITCH, prospective users likely would not subscribe to, or would cease subscribing to the Multicast PITCH.

The Exchange notes that the Commission is not required to undertake a cost-of-service or rate-making approach. The Exchange believes that, even if it were possible as a matter of economic theory, cost-based pricing for non-core market data would be so complicated that it could not be done practically.[13]

The proposed amendment to the Internal Distributor fee for Multicast PITCH is also equitable and reasonable as, despite the increase, the proposed fees continues to be similar to fees currently charged by the Nasdaq Stock Market LLC (''Nasdaq'') for their options depth-of-book data product. Nasdaq currently charges external distributors of ITTO,[14] $2,000 per month.[15] Nasdaq's fee for external distribution is identical to that proposed by the Exchange herein. In addition, the Chicago Board Options Exchange, Incorporated (''CBOE'') charges a monthly fee of $7,000 to internal and external distributors of its depth-of-book data.[16]

The increased fees for Internal and External Distributors are also equitable and reasonable in that they ensure that heavy users of the Multicast PITCH pay an equitable share of the total fees. The Exchange proposes to charge External Distributors lower fees than Internal Distributors to promote broader distribution of exchange data. The Exchange notes that External Distributors redistribute Multicast PITCH to those outside of their organization while Internal Distributors distribute Multicast PITCH within their own organization. Charging lower fees for external distribution should encourage Distributors, such as market data vendors who solely redistribute market data, to subscribe to Multicast PITCH as an External Distributor, therefore, expanding the distribution network of the Exchange's data.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended. The Exchange's ability to price Multicast PITCH are constrained by: (i) Competition among exchanges, other trading platforms, and Trade Reporting Facilities (''TRF'') that compete with each other in a variety of dimensions; (ii) the existence of inexpensive real-time consolidated data and market-specific data and free delayed data; and (iii) the inherent contestability of the market for proprietary data. This competitive pressure is evidenced by the Exchange's proposal to increase fees as described herein.

The Exchange and its market data products are subject to significant competitive forces and the proposed fees represent responses to that competition. To start, the Exchange competes intensely for order flow. It competes with the other national securities exchanges that currently trade equities, with electronic communication networks, with quotes posted in FINRA's Alternative Display Facility, with alternative trading systems, and with securities firms that primarily trade as principal with their customer order flow.

In addition, Multicast PITCH competes with a number of alternative products. For instance, Multicast PITCH do not provide a complete picture of all trading activity in a security. Rather, the other national securities exchanges, the several TRFs of FINRA, and Electronic Communication Networks (''ECN'') that produce proprietary data all produce trades and trade reports. Each is currently permitted to produce depth-of-book products, and many currently do, including Nasdaq and NYSE. In addition, market participants can gain access to BZX Options' last sale prices and top-of-book quotations, though integrated with the prices of other markets, on feeds made available through the SIPs.

In sum, the availability of a variety of alternative sources of information imposes significant competitive pressures on the Exchange's data products and the Exchange's compelling need to attract order flow impose significant competitive pressure on the Exchange to act equitably, fairly, and reasonably in setting the proposed data product fees. The proposed data product fees are, in part, responses to that pressure. The Exchange believes that the proposed fees would reflect an equitable allocation of its overall costs to users of its facilities.

In addition, when establishing the proposed fees, the Exchange considered the competitiveness of the market for proprietary data and all of the implications of that competition. The Exchange believes that it has considered all relevant factors and has not

[13] The Exchange believes that cost-based pricing would be impractical because it would create enormous administrative burdens for all parties, including the Commission, to cost-regulate a large number of participants and standardize and analyze extraordinary amounts of information, accounts, and reports. In addition, it is impossible to regulate market data prices in isolation from prices charged by markets for other services that are joint products. Cost-based rate regulation would also lead to litigation and may distort incentives, including those to minimize costs and to innovate, leading to further waste. Under cost-based pricing, the Commission would be burdened with determining a fair rate of return, and the industry could experience frequent rate increases based on escalating expense levels. Even in industries historically subject to utility regulation, cost-based ratemaking has been discredited. As such, the Exchange believes that cost-based ratemaking would be inappropriate for proprietary market data and inconsistent with Congress's direction that the Commission use its authority to foster the development of the national market system, and that market forces will continue to provide appropriate pricing discipline. *See* Appendix C to NYSE's comments to the Commission's 2000 Concept Release on the Regulation of Market Information Fees and Revenues, which can be found on the Commission's Web site at *http://www.sec.gov/rules/concept/s72899/buck1.htm. See also* Securities Exchange Act Release No. 73816 (December 11, 2014), 79 FR 75200 (December 17, 2014) (SR–NYSE–2014–64) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change to Establish an Access Fee for the NYSE Best Quote and Trades Data Feed, Operative December 1, 2014).

[14] ITTO stands for NASDAQ ITCH to Trade Options, and is a data feed that provides quotation information for individual orders on the NOM book, last sale information for trades executed on NOM, and Order Imbalance Information as set forth in NOM Rules Chapter VI, Section 8 [sic]. *See* Nasdaq Sec. 4(a), NASDAQ Options Market Data Distributor Fees. *Available at http://www.nasdaqtrader.com/Micro.aspx?id=optionsPricing.*

[15] *See* Nasdaq Sec. 4(a), NASDAQ Options Market Data Distributor Fees. *Available at http://www.nasdaqtrader.com/Micro.aspx?id=optionsPricing.*

[16] *See* CBOE Market Data Express, LLC (MDX) CBOE Streaming Markets Fee Schedule *available at https://www.cboe.org/publish/mdxfees/mdxfeescheduleforcboedatafeeds.pdf.*

considered irrelevant factors in order to establish fair, reasonable, and not unreasonably discriminatory fees and an equitable allocation of fees among all users. The existence of alternatives to Multicast PITCH, including existing similar feeds by other exchanges, consolidated data, and proprietary data from other sources, ensures that the Exchange cannot set unreasonable fees, or fees that are unreasonably discriminatory, when vendors and subscribers can elect these alternatives or choose not to purchase a specific proprietary data product if its cost to purchase is not justified by the returns any particular vendor or subscriber would achieve through the purchase.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [17] and paragraph (f) of Rule 19b–4 thereunder.[18] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File No. SR–BatsBZX–2017–48 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–BatsBZX–2017–48. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing will also 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-BatsBZX–2017–48 and should be submitted on or before August 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16738 Filed 8–8–17; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A).

[18] 17 CFR 240.19b–4(f).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81305; File No. SR–DTC–2017–015]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish the Effective Date of the Settlement Cycle Rule Changes

August 3, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 31, 2017, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the clearing agency. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f)(4) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

DTC is filing this proposed rule change to (i) establish September 5, 2017 as the effective date (''Effective Date'') of the settlement cycle rule changes (''T2 Changes'') submitted pursuant to rule filing SR–DTC–2016–013 (''Prior Rule Filing''),[5] (ii) incorporate the T2 Changes into the DTC Settlement Service Guide (''Settlement Guide'') [6] and DTC Distributions Service Guide (''Distributions Guide'') [7] (collectively, ''Guides'') as of the Effective Date, and (iii) amend the legends (''Legends'') on the respective cover pages of the Guides in order to include the Effective Date and self-eliminating language for the Legends, and remove the Legends' current reference to DTC making a subsequent rule filing with the Commission, as this proposal is that subsequent rule filing.[8]

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the clearing agency included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(4).

[5] *See* Securities Exchange Act Release No. 79304 (November 14, 2016), 81 FR 81825 (November 18, 2016) (SR–DTC–2016–013).

[6] *Available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Settlement.pdf.*

[7] *Available at http://www.dtcc.com/~/media/Files/Downloads/legal/service-guides/Distributions-Service-Guide-FINAL-January-2017.pdf.*

[8] Capitalized terms not otherwise defined herein have the respective meanings set forth in the DTC Rules, By-laws and Organization Certificate, *available at http://www.dtcc.com/~/media/Files/Downloads/legal/rules/dtc_rules.pdf.*

clearing agency has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Prior Rule Filing [9] was filed by DTC pursuant to Section 19(b)(3)(A) of the Act,[10] and was effective upon filing with the Commission.

The purpose of the Prior Rule Filing was to amend the Guides to make technical revisions related to the anticipated industry-wide move to a shorter standard settlement cycle from the third business day after the trade date (''T+3'') to the second business day after the trade date (''T+2''). Although the Prior Rule Filing [11] became effective pursuant to Section 19(b)(3)(A) of the Act, the Prior Rule Filing [12] stated that the T2 Changes would not become effective and would not be implemented until an effective date is established by a subsequent proposed rule change to be submitted by DTC under Rule 19b-4 of the Act.[13]

DTC is filing this proposed rule change to (i) establish the Effective Date for the T2 Changes, which is also the compliance date for the Commission's amendment to Rule 15c6–1(a) under the Act,[14] (ii) incorporate the T2 Changes into the Guides as of the Effective Date, and (iii) amend the Legends on the respective cover pages of the Guides in order to include the Effective Date and self-eliminating language for the Legends, and remove the Legends' current reference to DTC making a subsequent rule filing with the Commission, as this proposal is that subsequent rule filing.

2. Statutory Basis

Section 17A(b)(3)(F) of the Act requires, in part, that the Guides be designed to promote the prompt and accurate clearance and settlement of securities transactions.[15] The proposed rule change would establish the Effective Date for the T2 Changes and provide DTC participants (''Participants'') with an understanding of when the T2 Changes will begin to affect them. Knowing when the T2 Changes will begin to affect Participants would enable them to timely fulfill their obligations to DTC, which would in turn ensure that securities transactions would be promptly and accurately cleared and settled within the industry standard settlement cycle and, by extension, facilitate the prompt and accurate clearance and settlement of securities transactions submitted to DTC for clearing and settlement. Therefore, DTC believes that the proposed rule change would promote the prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act cited above.

(B) Clearing Agency's Statement on Burden on Competition

DTC does not believe that the proposed rule change to (i) establish the Effective Date for the T2 Changes, (ii) incorporate the T2 Changes into the Guides as of the Effective Date, and (iii) amend the respective Legends on the cover pages of the Guides in order to include the Effective Date and self-eliminating language for the Legends, and remove the Legends' current reference to DTC making a subsequent rule filing with the Commission would have any impact, or impose any burden, on competition because the proposed rule change is intended to provide additional clarity in the Guides regarding when the T2 Changes would become effective for Participants. As such, the proposed rule change would not impact a particular category of Participants nor would it impact particular types of Participants' businesses.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

DTC has not received or solicited any written comments relating to this proposal. DTC will notify the Commission of any written comments received by DTC.

III. Date of Effectiveness of the Proposed Rule Change, and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [16] and paragraph (f) of Rule 19b–4 thereunder.[17] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–DTC–2017–015 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–DTC–2017–015. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549–1090 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 DTC and on DTCC's Web site (*http://dtcc.com/legal/sec-rule-filings.aspx*). All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–DTC–

[9] *Supra* note 5.

[10] 15 U.S.C. 78s(b)(3)(A).

[11] *Supra* note 5.

[12] *Id.*

[13] 17 CFR 240.19b–4.

[14] The Commission adopted an amendment to the Settlement Cycle Rule (Rule 15c6–1(a)) under the Act to shorten the standard settlement cycle for most broker-dealer transactions from T+3 to T+2. *See* Amendment to Securities Transaction Settlement Cycle, Exchange Act Release No. 80295 (March 22, 2017), 82 FR 15564 (March 29, 2017).

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] 15 U.S.C. 78s(b)(3)(A).

[17] 17 CFR 240.19b–4(f).

2017–015 and should be submitted on or before August 30, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16739 Filed 8–8–17; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81302; File No. SBSDR–2016–02]

Security-Based Swap Data Repositories; DTCC Data Repository (U.S.), LLC; Notice of Filing of Amended Application for Registration as a Security-Based Swap Data Repository

August 3, 2017.

I. Introduction

On April 28, 2017, DTCC Data Repository, LLC (''DDR'') filed with the U.S. Securities and Exchange Commission (''Commission'' or ''SEC'') an amended application pursuant to Section 13(n)(1) of the Securities Exchange Act of 1934 (''Exchange Act'') [1] and Exchange Act Rule 13n–1 thereunder,[2] seeking registration as a security-based swap data repository (''SDR'') for security-based swap (''SBS'') transactions in the equity, credit, and interest rate [3] derivatives asset classes (''Amended Form SDR'').[4] DDR filed its initial application with the Commission (''Initial Form SDR'') on April 6, 2016, as amended on April 25, 2016, and notice thereof was published in the **Federal Register** on July 7, 2016, to solicit comment from interested persons.[5] The Commission received five comment letters to date on DDR's Initial Form SDR.[6]

DDR submitted its Amended Form SDR with both technical and substantive changes, including, but not limited to, revisions to several important policies and procedures. DDR's Amended Form SDR described herein includes [7] substantive amendments to DDR's policies and procedures relating to fees and fee policies, calculation of positions, resolution of disputes, termination and disciplinary procedures, access to and use of data, and compliance with Regulation SBSR. The Commission seeks comment from interested parties on the Amended Form SDR, the changes discussed in this notice, as well as any other changes DDR made in its Amended Form SDR, and is publishing DDR's revisions in its Amended Form SDR with a 21-day comment period.[8]

II. Background

A. SDR Registration, Duties and Core Principles, and Regulation SBSR

Section 763(i) of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 added Section 13(n) to the Securities Exchange Act of 1934 (''Exchange Act''), which makes it ''unlawful for any person, unless registered with the Commission, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a security-based SDR.'' To be registered and maintain registration, each SDR must comply with certain requirements and ''core principles'' described in Section 13(n) as well as any requirement that the Commission may impose by rule or regulation.[9]

Exchange Act Rules 13n–1 through 13n–12 (''SDR Rules''), establish the procedures and Form SDR by which an SDR shall register with the Commission and certain ''duties and core principles'' to which an SDR must adhere.[10] Among other requirements, the SDR Rules require an SDR to collect and maintain complete and accurate SBS data and make such data available to the Commission and other authorities so that relevant authorities will be better able to monitor the buildup and concentration of risk exposure in the SBS market.[11]

Concurrent with the Commission's adoption of the SDR rules, the Commission adopted,[12] and later amended,[13] Exchange Act Rules 900 to 909 (''Regulation SBSR''),[14] which, among other things, provide for the reporting of SBS trade data to registered SDRs, and the public dissemination of SBS transaction, volume, and pricing information by registered SDRs. In addition, Regulation SBSR requires each registered SDR to register with the Commission as a securities information processor (''SIP'').[15]

B. Standard for Granting SDR Registration

To be registered with the Commission as an SDR and maintain such registration, an SDR is required (absent an exemption) to comply with the requirements and core principles described in Exchange Act Section 13(n), as well as with any requirements that the Commission adopts by rule or

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78m(n)(1).

[2] 17 CFR 240.13n–1.

[3] DDR seeks to include in its application the ''interest rates'' asset class based on feedback from potential DDR participants who have identified certain types of transactions which will be reported through the interest rate infrastructure within the industry and that the industry participants have identified as falling under the definition of a SBS. The Commission notes that DDR's application is for registration as a SBS data repository, which the Exchange Act defines as a ''person that collects and maintains information or records with respect to transactions or positions in, or the terms and conditions of, security-based swaps entered into by third parties for the purpose of providing a centralized recordkeeping facility for security-based swaps.'' 15 U.S.C. 78c(a)(75).

[4] DDR filed its Amended Form SDR, including the exhibits thereto, electronically with the Commission. The descriptions set forth in this notice regarding the structure and operations of DDR have been derived, excerpted, and/or summarized from information in DDR's Amended Form SDR application, which outlines the applicant's policies and procedures designed to address its statutory and regulatory obligations as an SDR registered with the Commission. DDR's Amended Form SDR and non-confidential exhibits thereto are available on *https://www.sec.gov/cgi-bin/browse-edgar?company=dtcc&owner=exclude&action=getcompany.* In addition, the public may access copies of these materials in redlined form on the Commission's Web site at: *https://www.sec.gov/rules/other/2017/34-81302.pdf.* DDR's Form SDR application also constitutes an application for registration as a securities information processor. *See* Exchange Act Release No. 74246 (Feb. 11, 2015), 80 FR 14438, 14458 (Mar. 19, 2015) (''SDR Adopting Release'').

[5] *See* Exchange Act Release No. 78216 (June 30, 2016), 81 FR 44379 (July 7, 2016) (''DDR Notice Release'').

[6] *See* letters from Jennifer S. Choi, Associate General Counsel, Investment Company Institute (August 5, 2016); Tara Kruse, Director, Co-Head of Data, Reporting and FpML, International Swaps and Derivatives Association, Inc. (August 8, 2016); Andrew Rogers, Director and Global Head of Reference Data, IHS Markit (Aug. 8, 2016); Katherine Delp, DDR Business Manager, DTCC Data Repository (U.S.) LLC (September 1, 2016); Timothy W. Cameron, Asset Management Group—Head, and Laura Martin, Asset Management Group—Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association (August 5, 2016. Copies of all comment letters are available at *https://www.sec.gov/comments/sbsdr-2016-01/sbsdr201601.htm.*

[7] DDR is amending, replacing or eliminating a number of its exhibits not discussed in this notice. Please *see* Amended Form SDR to view all changes to DDR's Amended Form SDR, available at *https://www.sec.gov/cgi-bin/browse-edgar?company=dtcc&owner=exclude&action=getcompany* and *https://www.sec.gov/rules/other/2017/34-81302.pdf.*

[8] The Commission intends to address any comments received for this notice, as well as those comments previously submitted regarding the Initial Form SDR, when the Commission makes a determination of whether to register DDR as an SDR pursuant to Rule 13n–1(c).

[9] 15 U.S.C. 78m(n).

[10] 17 CFR 240.13n–1 through 13n–12. *See also* SDR Adopting Release, 80 FR 14438.

[11] *See id.* at 14450.

[12] *See* Securities Exchange Act Release No. 74244 (Feb. 11, 2015), 80 FR 14563 (Mar. 19, 2015).

[13] *See* Securities Exchange Act Release No. 78321 (July 14, 2016), 81 FR 53546 (Aug. 12, 2016).

[14] *See* 17 CFR 242.900 to 242.909; *see also* Exchange Act Release No. 74244 (Feb. 11, 2015), 80 FR 14563 (Mar. 19, 2015) (''Regulation SBSR Adopting Release'').

[15] *See* Regulation SBSR Adopting Release, 80 FR at 14567.

regulation.[16] Exchange Act Rule 13n–1(c)(3) provides that the Commission shall grant the registration of an SDR if it finds that the SDR is so organized, and has the capacity, to be able to (i) assure the prompt, accurate, and reliable performance of its functions as an SDR; (ii) comply with any applicable provisions of the securities laws and the rules and regulations thereunder; and (iii) carry out its functions in a manner consistent with the purposes of Section 13(n) of the Exchange Act and the rules and regulations thereunder.[17] The Commission shall deny registration of an SDR if it does not make any such finding.[18]

In determining whether an applicant meets the criteria set forth in Exchange Act Rule 13n–1(c), the Commission will consider the information the applicant includes on its Form SDR, as well as any additional information obtained from the applicant. For example, Form SDR requires an applicant to provide a list of the asset class(es) for which the applicant is collecting and maintaining data or for which it proposes to collect and maintain data, a description of the functions that it performs or proposes to perform, general information regarding its business organization, and contact information.[19] This, and other information reflected on the Form SDR, will assist the Commission in understanding the basis for registration as well as the SDR applicant's overall business structure, financial condition, track record in providing access to its services and data, technological reliability, and policies and procedures to comply with its statutory and regulatory obligations.[20] Furthermore, the information requested in Form SDR will enable the Commission to assess whether the SDR applicant would be so organized, and have the capacity to comply with the applicable provisions of federal securities laws and the rules and regulations thereunder, and ultimately whether to grant or deny an application for registration.[21]

III. DDR's Amended Form SDR

As discussed in more detail below, in its Amended Form SDR, DDR filed a number of amendments to the following provisions.

A. User Fee Schedule and Policies

Section 13(n)(7)(A) of the Exchange Act provides that an SDR shall not (i) adopt any rule or take any action that results in any unreasonable restraint of trade; or (ii) impose any material anti-competitive burden on the trading, clearing or reporting of transactions.[22] Exchange Act Rule 13n–4(c)(1)(i) requires each SDR to ensure that any dues, fees, or other charges that it imposes, and any discounts or rebates that it offers, are fair and reasonable and not unreasonably discriminatory.[23] The rule also requires such dues, fees, other charges, discounts, or rebates to be applied consistently across all similarly situated users of the SDR's services.[24]

In its Amended Form SDR, DDR revises its fees in Exhibit M and provides additional information about the policies associated with DDR's fees and the assessment of its fees in both Exhibit M and Exhibit GG3 ''Guide to Security-Based Swap Data Repository Process'' (''Guide''). The revisions to the fees detailed in Exhibit M consist of four substantive changes.

First, DDR states that it is eliminating the ''Variable Monthly Maintenance Fee'' and establishing a new monthly ''Position Maintenance Fee.'' This monthly fee will be imposed on a party who has signed a DDR user agreement (herein referred to as ''User'') based on the aggregate number of positions open on any day during the month.[25] Derivatives clearing organizations, as defined in Section 1(a)(15) of the Commodity Exchange Act[26] (''Clearer''), are not considered a User for purposes of the position maintenance fee. The following applies to Position Maintenance Fees:

- There are no Position Maintenance Fees for less than five hundred (500) aggregate positions during any month, which shall be determined in the aggregate for entities billed on the same invoice;
- For a position count of five hundred (500) or more aggregate positions during any month, which shall be determined in the aggregate for entities billed on the same invoice, the applicable Position Maintenance Fees shall apply; and
- Position Maintenance Fees shall be based on the position count during the month even if liquidated prior to month end.

Responsibility for Position Maintenance Fees is as follows:

- For Cleared Positions, the non-Clearer counterparty shall be responsible for Position Maintenance Fees. As used herein, ''Cleared Position'' means a position where a Clearer is a counterparty;
- For a position submitted by a swap execution facility (''SEF'') or designated contract market (''DCM''), the User, who is not the SEF or DCM, for whom or on behalf of whom the trade is submitted shall be responsible for Position Maintenance Fees; and
- For all other positions submitted by, for or on behalf of a User where the submission specifies a ''reporting obligation value of SEC,''[27] the User shall be responsible for Position Maintenance Fees.

Second, DDR is eliminating the ''Monthly Access Fee'' and establishing a new annual ''Account Management Fee.'' This annual fee of $1,200.00 will replace the Monthly Access Fee of $200.00 ($2,400.00 annualized) and will apply to all account holders, excluding regulators and Clearers. The Account Management Fee is in addition to, and not in place of, applicable Position Maintenance Fees and will not serve to reduce in any way the amount of the Position Maintenance Fees.

Third, Users will now have the option to elect to enter into a three-year commitment (''Long Term Commitment''), which reduces the applicable position maintenance fee and account management fee by 10 percent, exclusive of tax, for a three-year period following the Long Term Commitment election. If the Long Term Commitment is ''improperly'' terminated prior to the end of the applicable Long Term Commitment period, the User will be subject to an early termination fee equal to: (a) The difference between the total amount of fees due after application of the Long Term Commitment incentive and the total amount of fees that would have been due during the applicable portion of the Long Term Commitment period had no incentive been provided (''Total Incentive Provided''); plus (b) the greater of 5 percent of the Total Incentive Provided or $500.00.

Finally, DDR is establishing a late fee. In the event all or any undisputed portion of the a User's invoice becomes ninety days or more past due, the User will be subject to a late fee equal to 5% of the past due balance. The late fee will continue to be assessed on a monthly basis until the full amount of the past due balance is paid.

In its Amended Form SDR, DDR also adds a new description to the Guide to provide further detail on User fees.[28] DDR states that all account holders, excluding regulators and Clearers, will

[16] *See* Exchange Act Section 13(n)(3), 15 U.S.C. 78m(n)(3).

[17] 17 CFR 240.13n–1(c)(3).

[18] *Id.*

[19] *See* SDR Adopting Release, 80 FR at 14459.

[20] *Id.*

[21] *See* SDR Adopting Release, 80 FR at 14458–59.

[22] 7 U.S.C. 24a–(f)(1)(A), (B).

[23] 17 CFR 240.13n–3(c)(1)(i). *See also* SDR Adopting Release, 80 FR at 14479.

[24] *Id.*

[25] For examples of DDR's application of the position maintenance fee, see DDR's Amended Form SDR, Exhibit M, Annex A.

[26] 7 U.S.C. 1(a)(15).

[27] We understand that DDR uses the term ''reporting obligation value of SEC'' to refer to the field that DDR requires Users to complete to identify that the trade is being submitted to DDR pursuant to Regulation SBSR.

[28] DDR provides a fee schedule for DDR Users on its Web site at *http://www.dtcc.com/derivatives-services/global-trade-repository/gtr-us.*

be subject to an annual Account Management Fee, regardless of whether they are a reporting side or party (''Reporting Party'') or non-reporting side or counterparty (''Non-Reporting Counterparty''). This fee is assessed at the organization level. Accordingly, a fund manager or corporate parent with several funds or subsidiary entities on-boarded under its organization as subaccounts will owe one account management fee. Alternatively, each fund or entity could be setup with its own billing profile and account (*i.e.,* not a subaccount). In this case, DDR explains, each fund or entity, as the account holder for its own account, will be charged the account management fee. In addition to the Account Management Fee, a party who has signed a DDR user agreement, excluding regulators and Clearers, may be subject to Position Maintenance Fees. Further, a party that is not on-boarded with DDR is not subject to any DDR fees.

B. Policies and Procedures for Calculation of Positions

Exchange Act Rule 13n–5(b)(2) requires an SDR to establish, maintain, and enforce written policies reasonably designed to calculate positions for all persons with open security-based swaps for which the SDR maintains records.[29] Position information is important to regulators for risk, enforcement, and examinations purposes, and can be useful to counterparties in evaluating their own risk.[30]

In its Amended Form SDR, DDR's Guide provides an updated description of how it calculates positions for open SBS. In order to calculate Positions, DDR states that it requires reporting parties to provide all necessary information in order to establish the trade state for a specific swap (''Trade State''). Upon request, based on the data attributes available in DDR's databases, DDR is able to utilize the Trade States to allow for the calculation of specific positions based on one or more of the following attributes: (i) Underlying instrument, index, or reference entity; (ii) counterparty; (iii) asset class; (iv) long risk of the underlying instrument, index, or reference entity; and (v) short risk of the underlying instrument, index, or reference entity.[31]

C. Policies and Procedures Regarding Denial of a User Application, Restrictions on Use and Assessment of Costs, and Certain ''Disciplinary Actions''

As part of its Amended Form SDR, DDR is modifying Section 10 of Exhibit HH2,[32] DDR's Rulebook (''Rulebook''), to address the denial of a User application; the restriction of use of DDR's systems and assessment of certain costs; and procedures for certain ''disciplinary actions.''

1. Denial of User Application (Notification to the Commission Under Section 11A of the Exchange Act)

Rule 909 of Regulation SBSR requires each registered SDR to register as a SIP, [33] and as such, Exchange Act Section 11A(b)(5),[34] the provision governing access to services of a SIP, also governs denials of access to services by an SDR.[35] Section 11A(b)(5) provides that if any SIP prohibits or limits any person in respect of access to services offered, directly or indirectly, the SIP shall promptly file notice with the Commission.[36] Accordingly, an SDR must promptly notify the Commission if it prohibits or limits access to any of its services to any person.

In Section 10.2.1 of DDR's revised Rulebook, DDR supplements its discussion in this section of the Initial Form SDR by providing that in the case of a denial of an application to become a User, DDR will furnish the Commission with notice of the denial in such form and containing such information as prescribed by the Commission (''SIP Denial Notice''). Further, DDR states that such notice will be subject to review by the Commission on its own motion, or upon application by the denied application pursuant to Section 11A of the Exchange Act. If the Commission does not dismiss the proceeding to review the SIP Denial Notice or if the Commission by order sets aside the SIP Denial Notice and requires DDR to permit the applicant access to all or any SDR services offered by DDR as a SIP, then DDR will comply with such order or will take such further action as may be afforded DDR under applicable law. Further, DDR states the written statement setting forth the grounds for the application denial determination will inform the applicant of its right to request a DDR hearing pursuant to DDR's Rule 10.2.1.1.

2. Restrictions on Use and Assessment of Costs [37]

In its Amended Form SDR, DDR also revises Section 10.4.1(a) of its Rulebook to provide that DDR's ''Senior Officer'' [38] and CCO may temporarily deny access to or otherwise impose restrictions on the use of the DDR system on a User, or take such other actions as DDR deems reasonably necessary to protect its systems and other Users for any one of the following reasons: (i) A violation of DDR rules (including failure to pay fees when due); (ii) any neglect or refusal by the User to comply with any applicable order or direction of DDR; or (iii) any error, delay or other conduct that materially and adversely affects the operations of DDR. The reasons underlying a disciplinary action enumerated in Section 10.4.1(a) remain unchanged from DDR's Initial Form SDR. DDR further revises Section 10.4.1(a) to add that in addition to the limits to the activities, functions, or operations imposed on Users in the event of an occurrence of a Subject Event, and in addition to any other action taken by DDR, DDR may assess the User with all costs incurred by DDR in connection with the Subject Event and may apply any deterrent charges that DDR deems necessary.

3. Procedures for ''Disciplinary Proceedings''

In Section 10.4.2(a) of its Rulebook, DDR provides additional clarification on its procedures for disciplinary actions taken pursuant to Rule 10.4.1. The amended text states that before any disciplinary action is taken under Section 10.4.1, DDR will furnish the User with a concise written statement of the ''charges.'' However, DDR adds, no prior written statement shall be required to be provided if the action is being taken by DDR is in response to protecting the security of data, the DDR system or other Users. In those circumstances, a written statement shall

[29] 17 CFR 240.13n–5(b)(2).

[30] *See* Exchange Act Release No. 63347 (Nov. 19, 2010), 75 FR 77306 (Dec. 10, 2010), corrected at 75 FR 79320 (Dec. 20, 2010) and 76 FR 2287 (Jan. 13, 2011).

[31] *See also* Rule 13n–5(a)(2) defining ''position'' as the gross and net notional amounts of open SBS attributes, including, but not limited to, the (i) underlying instrument, index or reference entity; (ii) counterparty; (iii) asset class; (iv) long risk of the underlying instrument, index or reference entity; and (v) short risk of the underlying instrument, index, or reference entity. 17 CFR 240.13n–5(a)(2).

[32] In its Initial Form SDR, DDR filed Exhibit HH1 as its Rulebook. In its Amended Form SDR, DDR has deleted Exhibit HH1 and filed its Rulebook as Exhibit HH2.

[33] 17 CFR 242.909.

[34] 15 U.S.C. 78k–1(b)(5).

[35] *See* 15 U.S.C. 78k–1(b)(5). *See also* SDR Adopting Release, 80 FR at 14482.

[36] 15 U.S.C. 78k–1(b)(5).

[37] DDR renamed Rule 10.4 from ''Sanctions from Disciplinary Proceedings'' to ''Other Disciplinary Actions'' and renamed Rule 10.4.1 from ''Imposition of Sanctions'' to ''Restriction of Use and Costs.''

[38] DDR made a number of conforming changes throughout several exhibits to replace the chief executive officer position with a ''senior officer'' position. See, among others, Exhibit F of DDR's Amended Form SDR. The term ''senior officer'' is defined under Exchange Act Rule 13n–11(b)(8) as the chief executive officer or other equivalent officer. 17 CFR 240.13n–11(b)(8).

''promptly'' follow the DDR action. The other provisions of Section 10.4.2 remain unchanged.

D. Access To and Use of Data

Exchange Act Sections 13(n)(5)(G) and (H) conditionally require SDRs to make SBS data available to certain named authorities and other persons that the Commission has deemed to be appropriate. In 2016, the Commission adopted Exchange Act Rules 13n–4(b)(9), (b)(10) and (d) to implement this data access requirement.[39]

1. Access to U.S. Data by Regulators

In addition to renaming this section to ''Access to Data by Other Regulators and Entities'' in its Amended Form SDR, DDR amends Section 6.5 of its Rulebook[40] to require that any entity authorized by applicable law to receive access to data held by DDR shall: (a) Have entered into a memorandum of understanding, as required under applicable law, (b) file a request for access with DDR, wherein the entity specifically describes the data sought and certifies in a manner acceptable to DDR that the entity is acting within the scope of its jurisdiction and confidentiality agreement, and (c) provide any additional information required by DDR to fulfill the request.[41] Section 6.5.1 further states that DDR will provide access to the requested security-based swap data (or swap data), following notice to the Designated Regulator and the satisfaction of the requirements of Section 6.5.

2. Denial of Access to Data

In its Amended Form SDR, DDR adds new Section 6.7 of its Rulebook to describe the process by which DDR may deny access to data requested pursuant to Section 6.2 through 6.6, the provisions that describe access by designated regulators (Section 6.2), DDR use of SBS data information (Section 6.3), access by third party service providers (Section 6.4), access by ''other'' regulators (Section 6.5), and access to systems and data generally (Section 6.6). DDR states in new Section 6.7 that the party making the request for access to data pursuant to Section 6.2 through 6.6 of the Rulebook shall be notified of the grounds for the denial and as such, is responsible to address the issues identified in the denial notice and resubmit the application in accordance with the applicable provisions of Section 6 of Exhibit HH2.

E. Certain Policies and Procedures Related to Compliance With Regulation SBSR

As part of its Amended Form SDR, DDR revises several aspects of its application that relate to compliance with Regulation SBSR. As discussed below, DDR provides additional detail to clarify how it intends to support the reporting of SBS information and the manner in which it will publicly disseminate SBS transaction, volume, and pricing information.

1. Policies and Procedures for Reporting SBS Transactions

Rule 907 of Regulation SBSR requires an SDR to establish and make publicly available certain policies and procedures, which include the specific data elements that must be reported, acceptable data formats, and the procedures for reporting life cycle events and error corrections.[42] As discussed below, DDR expands the discussion in the Guide and Rulebook related to the reporting of SBS transactions, including historical SBS, SBS that have been submitted to clearing, and the reporting of life cycle events and error corrections. DDR also provides further detail on its policies and procedures related to UIC reporting.

In addition to the revisions in the Guide and Rulebook, DDR also revises Exhibits GG2, GG4, and GG6, which contain data fields, required formats and validations for the data Users must submit. In its revised Exhibits GG2, GG4, and GG6, DDR provides additional information on acceptable data value formats and validation rules. DDR continues to require separate messages for public dissemination (''PPD Messages'') and for updating the position record. In its Guide, DDR also requires that PPD Messages be sent at the same time as position messages (*i.e.,* Primary Economic Terms (''PET''), Confirmation, and/or Snapshot messages). For more information on the content of Exhibits GG2, GG4, and GG6, interested persons may review those exhibits.

a. Policies and Procedures for Reporting Historical SBS

In its Amended Form SDR, DDR expands the discussion in its Guide related to the reporting of historical SBS to clarify how Users must report such transactions. The Guide now states that Users must specify a transaction as ''historical,''[43] ''historical expired,''[44] or ''backload,''[45] when applicable. DDR states in its Guide that it will apply relaxed validation standards to these three categories of trades and provides additional detail on these validation standards in Exhibits GG2, GG4 and GG6.

b. Policies and Procedures for SBS Submitted to Clearing

DDR includes new information on how it will process trades submitted for clearing in its revised Guide, including how clearing agencies must report whether an ''alpha transaction''[46] has been accepted or rejected for clearing. The Guide now states the following:

> DDR requires each User to indicate whether a trade will be submitted for clearing. Once a trade has been accepted for clearing, the clearing agency will send an ''exit'' message for the alpha. DDR views a clearing agency's exit message as the acceptance message of the trade for clearing. The exit message removes the alpha trade in deference to the beta and gamma trades. If an alpha trade is rejected for clearing, DDR requires the clearing agency to send DDR a ''rejection'' message. The rejection message will not modify the trade that was rejected for clearing by exiting or changing the terms of that trade. The reporting party is responsible for exiting or amending a trade that is rejected for clearing. Both acceptance and rejection messages will be rejected by the

[39] *See* Exchange Act Release No. 78716 (Aug. 29, 2016), 81 FR 60585 (Sep. 2, 2016).

[40] In its Initial Form SDR, DDR included the discussion of regulator access to data in Section 6.5 of Exhibit HH1. However, in its Amended Form SDR, DDR has retitled Exhibit HH1 as Exhibit HH2.

[41] *See* Rulebook, Section 6.5. The term ''applicable law'' is defined in DDR's Rulebook, Section 12, as any and all applicable laws and regulations, judicial orders and decisions and rules, regulations, interpretations and protocols, as amended from time to time in a jurisdiction in which DDR is registered, designated, recognized or otherwise licensed as a trade repository.

[42] 17 CFR 240.907.

[43] DDR's Guide describes ''Historical'' SBS as ''Transitional SBS executed after July 21, 2010 but Expired or Terminated before Compliance Date.'' For reporting transitional security-based swaps that have expired or terminated before the compliance date for Regulation SBSR, users are required to specify ''historical'' as the transaction type when submitting the trade record.

[44] DDR's Guide describes ''Historical Expired'' SBS as ''Pre-enactment SBS executed before July 21, 2010 but Expired or Terminated before Compliance Date.'' For reporting pre-enactment security-based swaps that have expired or terminated before the compliance date for Regulation SBSR, users are required to specify ''historical expired'' as the transaction type when submitting the trade record.

[45] DDR's Guide describes ''Backload'' SBS as ''Pre-enactment SBS or Transitional SBS in Existence on or after Compliance Date (post-compliance).'' For reporting pre-enactment or transitional security-based swaps in existence on or after the compliance date for Regulation SBSR, users are required to specify ''backload'' as the transaction type when submitting the trade record.''

[46] In the agency model for clearing, which is the predominant clearing model in the United States, a swap that is submitted to clearing is typically referred to as an ''alpha.'' If such a swap is accepted by a clearing agency, it is terminated and replaced with two new swaps, the ''beta'' and ''gamma.''

DDR System if the alpha has not already been accepted and processed by DDR. This provides a control to ensure reporting is occurring in the order that is required *e.g.,* a rejection message will not be processed prior to the processing of the alpha message.

c. Policies and Procedures for Reporting Life Cycle Events and Correcting Errors

In its revised Guide, DDR clarifies how Users must submit life cycle events versus how Users submit error corrections, providing examples for both submission types. The new examples in the Guide provide that, for reporting life cycle events, Users specify a ''New'' action type and an ''Amendment'' transaction type, [47] whereas for submitting error corrections Users must specify a ''Modify'' action type with a ''Trade'' transaction type in their message to DDR.[48] As previously noted, trades subject to public dissemination require two reports: A PPD Message and a position message. Accordingly, reporting life cycle events or submitting error corrections also may require two reports to ensure that the information disseminated publicly is consistent with position information.[49]

2. Applying, Identifying and Establishing Certain Flags

Exchange Act Rule 907(a)(4) requires an SDR to have policies and procedures for identifying and establishing flags to denote characteristics or circumstances associated with the execution or reporting of an SBS that could, in the SDR's reasonable estimation, cause a person without knowledge of these characteristic(s) or circumstance(s), to receive a distorted view of the market and for applying and directing users to apply such flags, as applicable.[50] In its Amended Form SDR, DDR expands the list of flags Users may submit in Exhibits GG2, GG4 and GG6.[51] In addition, DDR outlines its policies and procedures for identifying the need for and establishing new flags in the Guide:

Prior to the dissemination of a SBS that is newly required to be reported, DDR will ascertain if a new flag is necessary by considering, among other things, identifying characteristic(s) of a security-based swap, or circumstances associated with the execution or reporting of the security-based swap, that could, in the fair and reasonable estimation of the registered security-based swap data repository, cause a person without knowledge of these characteristic(s) or circumstance(s), to receive a distorted view of the market. DDR then will determine whether to establish flags to denote such characteristic(s) or circumstance(s) and will direct participants that report security-based swaps to apply such flags, as appropriate, in their reports to the registered security-based swap data repository.

3. Unique Identification Codes

Rule 903 of Regulation SBSR requires a registered SDR to use Unique Identification Codes (''UICs'').[52] The following UICs are specifically required by Regulation SBSR: Counterparty ID, product ID, transaction ID, broker ID, execution agent ID, branch ID, trading desk ID, trader ID, platform ID, and ultimate parent ID.[53] Rule 903(b) of Regulation SBSR provides that a registered SDR may permit required data elements to be reported using codes if the information necessary to interpret such codes is widely available to users on a non-fee basis.[54] DDR's Guide provides additional detail with respect to assigning and reporting certain UICs. DDR's Guide now states:

As prescribed by regulation and the DDR Rulebook, all market participants must provide identifier information in the manner and form requested by DDR. It shall be the responsibility of each Reporting Party to maintain, or cause the relevant Market Participant to maintain, the identifiers described below (including, but not limited to an internal mapping of static data) and to ensure they are current and accurate. Users are required to notify DDR of any changes to information they provided through the on-boarding process, including but not limited to identifiers and any relevant internal mapping of static data. Upon the written request of DDR, a Reporting Party must promptly provide such identifier information, including any internal mapping, in the manner and form requested by DDR.

Regarding transaction ID, the Guide now states that DDR endorses the Committee on Payments and Market Infrastructures of the International Organization of Securities Commissions (''CPMI–IOSCO'') guidance for a global unique transaction identifier and that firms are required to provide this when reporting transaction IDs to DDR, rather than creating their own transaction IDs as the Guide previously provided.

With respect to product ID, the Guide now states that ''DDR accepts a taxonomy on a product classification system'' utilizing proprietary identifiers that include Committee on Uniform Security Identification Procedures (CUSIP) numbers,[55] International Securities Identification Numbering (ISIN) codes,[56] and Markit Reference Entity Database (RED) codes.[57] DDR further states the following:

DDR will rely on the above referenced classification systems until such time as an internationally recognized standard-setting system is recognized by the SEC. DDR requires information sufficient to identify the data and calculate price as required by Applicable Regulation or the data must be flagged as a customized swap.

Regarding parent and affiliate information, DDR amends Section 4.2.3.2 of its Rulebook to allow non-Users to report ultimate parent and affiliate information by emailing such information to DDR. However, DDR states that ''this is not a preferred submission method because information provided by email does not have the protections and validations'' as a submission by an on-boarded User, further explaining that non-Users cannot directly verify the accuracy of the information submitted to DDR without onboarding. In Section 4.2.3.2 of its Rulebook DDR describes the process for submission of parent and affiliate information for non-Users as follows:

A Non-User may provide its Ultimate Parent ID, Affiliate ID and an email contact directly to DDR by emailing such information to *DDR-Onboarding@dtcc.com.* The subject line of the email must state ''Non-User SEC Requirements''. The body of the email must state the Non-User's legal name, email contact information, ''Ultimate Parent ID—[insert LEI]'' and ''Affiliate ID [insert one LEI for each affiliate]''. The Non-User is responsible for ensuring the continued accuracy of this information. DDR will not verify the accuracy of the information provided by the Non-User. DDR may use the email contact information to contact the Non-User as described below. All Non-User information provided pursuant to this

[47] DDR's revised Guide also states that Users must report a novation, partial termination, exit, or new trade using the ''New'' action type.

[48] DDR's revised Guide also states that Users must report cancelations using the Modify action type.

[49] As stated in its Guide and Section 1.3 of its Rulebook, DDR requires Users to review their daily reports to identify any errors on the trade details or missing information and promptly correct such error or provide such missing information.

[50] 17 CFR 240.907(a)(4).

[51] Interested persons should refer to Exhibits GG2, GG4, and GG6 for further information about flags.

[52] 17 CFR 240.903.

[53] *See* 17 CFR 240.900 (defining UIC as ''a unique identification code assigned to a person, unit of a person, product, or transaction'' and further defining those items for which a UIC is to be assigned).

[54] 17 CFR 240.903(b).

[55] CUSIP numbers are nine character alphanumeric codes that uniquely identify securities. The CUSIP system is owned by the American Bankers Association and managed by Standard & Poor's. *See https://www.cusip.com/cusip/about-cgs-identifiers.htm.*

[56] ISIN codes are twelve character alphanumeric codes that uniquely identify securities. In the U.S., ISIN codes are extended versions of CUSIP numbers. *See http://www.isin.org/about/.*

[57] Markit RED codes ''are standard identifiers that are used to link the legal relationship between reference entities that trade in the credit default swap market and their associated reference obligations, known as ''pairs''.'' Markit RED codes use a six character alphanumeric code to identify a reference entity and a nine character code to identify the pair. *See http://www.isda.org/c_and_a/pdf/CreditDerivProcessFAQs.pdf. See also http://www.markit.com/Product/Reference-Data-CDS.*

paragraph will not be included in the automated DDR System, but will be provided to the SEC upon request.

4. Reporting Missing UIC Information and Missing UIC Reports

Rule 906(a) of Regulation SBSR requires SDRs to identify any SBS reported to it for which the SDR does not have the counterparty ID and (if applicable) the broker ID, branch ID, execution agent ID, trading desk ID, and trader ID of each direct counterparty.[58] Once a day, SDRs are required to send a report to each participant of the SDR or, if applicable, an execution agent, identifying, for each SBS to which that participant is a counterparty, the SBS for which the SDR is missing UIC information.[59] DDR amends Section 4.2.3.3 of its Rulebook to clarify that Users will be sent a position report, which can be used to identify missing UICs, via their DDR account portal or direct computer-to-computer secure file transfer protocol (SFTP) link. DDR also explains that it will attempt to send missing UIC reports to a non-User's email address not only if it is available in the static data maintained by the DTCC trade repositories but also if it has been provided to DDR at its specified email address, *DDR-Onboarding@dtcc.com.*

5. Policies and Procedures for Conducting Public Dissemination of SBS Data

In its Amended Form SDR, DDR provides a new exhibit, GG7 (''Dissemination FAQs''), which describes how DDR intends to conduct its public dissemination of SBS trade data, including what fields will be publicly disseminated. For more information on the contents of the Dissemination FAQs, interested persons may review the exhibit.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning DDR's Amended Form SDR, including whether DDR has satisfied the requirements for registration as an SDR. Commenters are requested, to the extent possible, to provide empirical data and other factual support for their views. As detailed below, the Commission seeks comment on a number of issues, including whether certain policies and procedures are ''reasonably designed,'' which may involve, among other things, being sufficiently detailed. In addition, the Commission seeks comment on the following:

1. Exchange Act Rule 13n–4(c)(1)(i) requires that each SDR ensure that any dues, fees, or other charges imposed by, and any discounts or rebates offered by, a SDR are fair and reasonable and not unreasonably discriminatory. The rule also requires such dues, fees, other charges, discounts, or rebates to be applied consistently across all similarly situated users of the SDR's services. Please provide your views as to whether DDR's revised approach to proposed dues, fees, or other charges, discounts or rebates and the process for setting dues, fees, or other charges, discounts or rebates are fair and reasonable and not unreasonably discriminatory. In particular, please provide your views on whether the Long Term Commitment arrangement (providing for a 10 percent reduction in the Position Maintenance and Account Management Fee) and charging the Account Management Fee on an ''organizational level'' is fair and reasonable and not unreasonably discriminatory. Considering that SDR fees constitute a potential cost of trading security-based swaps, please also provide your views as to whether the proposed fees will affect market participants' incentives to engage in security-based swap transactions given that fees incurred by users of DDR could be passed on to non-users. Please also provide your views as to whether the structure and level of the proposed fees will influence current market practice and structure in the security-based swap market, particularly in respect of mode of execution (*i.e.,* platform-based versus over-the-counter) and post-trade processing (*i.e.,* clearance and settlement).

2. Further, does the revised approach provide enough clarity to determine the applicable fees for all types of market participants? For example, does the definition of Clearer, currently defined as a DCO in DDR's Exhibit M, adequately contemplate all potential entities that may in the future fill this role, such as a clearing agency, as that term is defined in Section 3(a)(23) of the Exchange Act? What impact do commenters believe the structure and level of the proposed fees will have on market participants' ability to comply with the reporting requirements of Regulation SBSR? In particular, what impact do commenters believe the proposed fees will have on those participants that are not Security-Based Swap Dealers or Major Security-Based Swap Participants (as defined in Section 3 of the Exchange Act)?

3. Exchange Act Rule 13n–5(b)(2) requires an SDR to establish, maintain, and enforce written policies reasonably designed to calculate positions for all persons with open security-based swaps for which the SDR maintains records. Please provide your views on whether DDR's policies and procedures are reasonably designed to calculate such positions. Do commenters believe that methodology would result in complete and accurate positions? What changes, if any, should be made?

4. Exchange Act Rule 13n–4(c)(1)(iv) requires that each SDR establish, maintain, and enforce written policies and procedures reasonably designed to review any prohibition or limitation of any person with respect to access to services offered, directly or indirectly, or data maintained by the SDR and to grant such person access to such services or data if such person has been discriminated against unfairly. Please provide your views as to whether DDR's revised policies and procedures are reasonably designed to provide a mechanism for Users to effectively address resolution of disputes, termination and ''disciplinary'' issues. In particular, please provide your view on DDR's disciplinary policies and procedures as it relates to the following circumstances: (i) To the denial of a User application, (ii) restrictions on the use and assessment of certain costs, and (iii) procedures for disciplinary actions, as set forth in Section 10 of DDR's Rulebook.

5. Exchange Act Sections 13(n)(5)(G) and (H) and Exchange Act Rules 13n–4(b)(9), (b)(10) and (d) conditionally require SDRs to make SBS data available to certain authorities. Please provide your views regarding the proposed approach of DDR's Amended Form SDR to that data access requirement. Among other matters, commenters may wish to address the part of the proposal that would condition access on authorities certifying that they are acting within the scope of their jurisdiction (as well as certifying consistency with an applicable memorandum of understanding). What, if any, changes should be made?

6. Exchange Act Rule 13n–5(b)(3) requires every SDR to establish, maintain, and enforce written policies and procedures reasonably designed to ensure that the transaction data and positions that it maintains are complete and accurate. Please provide your views as to whether DDR's revised policies and procedures are reasonably designed to ensure that the transaction data and positions that it maintains are complete and accurate, as required by Exchange Act Rule 13n–5(b)(3). What, if any, changes should be made?

7. Regulation SBSR imposes duties on various market participants to report SBS transaction information to a registered SDR. Please provide your views as to whether the revised DDR application and the associated policies and procedures provide sufficient information to participants, as defined by Rule 900(u) of Regulation SBSR, about how they would discharge these regulatory duties when reporting to DDR. If applicable, please describe in detail what additional information you believe is necessary to allow a participant to satisfy any reporting obligation that it might incur under Regulation SBSR.

8. Rule 901(c) of Regulation SBSR requires reporting of product ID, if available, in lieu of various data elements for standardized contracts. Please provide your views as to whether the product taxonomy proposed by DDR is sufficiently precise to identify a ''product,'' as defined in Rule 900(aa) of Regulation SBSR, so as to distinguish between standard and custom versions of all types of SBS contracts. Further, do commenters believe that market participants would benefit from the disclosure of product IDs available for use on DDR?

9. Rule 903(b) of Regulation SBSR requires in part that an SDR may permit required data

[58] *See* 17 CFR 240.906(a).

[59] *See id.*

elements to be reported using codes if the information necessary to interpret such codes is widely available to users on a non-fee basis. Notwithstanding this requirement, DDR has proposed to rely on proprietary classification systems such as CUSIP numbers, ISIN codes, and/or Markit RED codes to identify specific securities, reference entities, or reference obligations, which may subject market participants to fees and usage restrictions in contravention of Rule 903(b). Please provide your views as to whether the approach proposed by DDR would be an appropriate means of reporting that information, or whether use of those proprietary classification systems would unduly increase the cost of compliance with reporting information pursuant to Regulation SBSR or impair access to publicly disseminated data.

10. Rule 901(d)(5) of Regulation SBSR requires reporting sides to report any additional data elements included in the agreement between the counterparties that are necessary to determine the market value of the transaction, to the extent not already provided. Please provide your views as to whether DDR has sufficiently explained how Users can satisfy this requirement and whether DDR's policies and procedures should include specific data categories necessary to determine the market value of a custom basket of securities that underlie an SBS (*e.g.* components and risk weights of the basket). What, if any, changes should be made? Why?

11. Rule 901(e) of Regulation SBSR requires reporting sides to report life cycle events, and any adjustments due to life cycle events that results in a change to previously reported primary or secondary trade information. Please provide your views as to whether DDR has provided sufficient information in its Amended Form SDR to explain how a User would report life cycle events under Rule 901(e) of Regulation SBSR. Please describe any additional information that you feel is necessary. In addition, do commenters believe that DDR has provided sufficient information distinguishing the process of reporting of a life cycle event from the reporting of a correction to erroneous trade information? What changes, if any, should be made?

12. Rule 907(a)(4) of Regulation SBSR requires an SDR to have policies and procedures for identifying and establishing flags to denote characteristics or circumstances associated with the execution or reporting of an SBS that could, in the SDR's reasonable estimation, cause a person without knowledge of these characteristic(s) or circumstance(s), to receive a distorted view of the market, and for applying and directing users to apply such flags, as applicable. Please provide your views as to whether DDR's revised policies and procedures for developing condition flags as required by Rule 907(a)(4) of Regulation SBSR are consistent with the goal of preventing market participants from receiving a distorted view of the market. Are there additional condition flags that you believe DDR should establish? If so, please describe such condition flags and explain why you believe that they are appropriate under Rule 907(a)(4).

13. Please provide your views on whether DDR's proposed methodology regarding the processing of cleared trades is sufficient to prevent market participants from receiving a distorted view of the market in all cases. In particular, please provide your views as to whether DDR's process of only accepting clearing agency acceptance and rejection messages in the event that DDR receives such messages prior to the receipt of the corresponding alpha trade report from the reporting side is likely to present problems with alpha transactions lacking a corresponding disposition message. How, if at all, would this impact the completeness and accuracy of the SBS transaction data and positions?

14. Rule 903(a) of Regulation SBSR provides, in relevant part, that if no system has been recognized by the Commission, or a recognized system has not assigned a UIC to a particular person, unit of a person, or product, the registered SDR shall assign a UIC to that person, unit of person, or product using its own methodology. Please provide your views as to whether the revised approach regarding UICs as described DDR's Amended Form SDR is appropriate in light of the requirements of Rule 903(a) of Regulation SBSR. Why or why not? In particular, please provide your views concerning the approach proposed by DDR for the creation and use of transaction IDs consistent with the CPMI–IOSCO guidance for a global unique transaction identifier. How, if at all, should this methodology be changed?

15. Rule 906(a) of Regulation SBSR requires an SDR to send a daily report to each participant of that SDR (or the participant's execution agent), identifying, for each SBS to which that participant is a counterparty, any SBS for which the SDR lacks required UIC information. Please provide your views as to whether DDR's revised policies and procedures for satisfying the requirements of Rule 906(a) are appropriate. Why or why not? What changes, if any, should be made?

16. Rule 907 of Regulation SBSR generally requires that an SDR have policies and procedures with respect to the reporting and dissemination of data. Please provide your views as to whether DDR has provided sufficient information in its Amended Form SDR (including through the publication of its new Exhibit GG7) to explain the manner in which DDR intends to publicly disseminate SBS transaction information under Rule 902 of Regulation SBSR. If not, what additional information do you think that DDR should provide about how it intends to effect public dissemination of SBS transactions?

17. Please provide your views as to whether DDR's Amended Form SDR includes sufficient information about how an agent could report SBS transaction information to DDR on behalf of a principal (*i.e.,* a person who has a duty under Regulation SBSR to report). Why or why not? If not, please describe any additional information that you believe is necessary.

18. Please provide your views about DDR's policies and procedures for contacting counterparties who are not Users. What changes, if any, should be made?

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/proposed.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SBSDR–2016–02 on the subject line.

Paper Comments

- Send paper comments to Brent J. Fields, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SBSDR–2016–02.

To help the Commission process and review your comments more efficiently, please use only one method of submission. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/other.shtml*).

Copies of the Form SDR, all subsequent amendments, all written statements with respect to the Form SDR that are filed with the Commission, and all written communications relating to the Form SDR between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Section, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m.

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 SBSDR–2016–02 and should be submitted on or before August 30, 2017.

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–16715 Filed 8–8–17; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #15228 and #15229; Michigan Disaster Number MI–00058]

Presidential Declaration of a Major Disaster for the State of Michigan

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Michigan (FEMA–4326–DR), dated 08/02/2017.

DATES: Issued on 08/02/2017.

Physical Loan Application Deadline Date: 10/02/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/02/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 08/02/2017, applications for disaster loans may be filed at the address listed above or other locally announced locations.

Incident: Severe Storms and Flooding.

Incident Period: 06/22/2017 through 06/27/2017.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Bay, Gladwin, Isabella, Midland, and the Saginaw Chippewa Tribe within Isabella County.

Contiguous Counties (Economic Injury Loans Only):

Michigan: Arenac, Clare, Gratiot, Mecosta, Montcalm, Ogemaw, Osceola, Roscommon, Saginaw, Tuscola.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	3.875
Homeowners without Credit Available Elsewhere	1.938
Businesses with Credit Available Elsewhere	6.430
Businesses without Credit Available Elsewhere	3.215
Non-Profit Organizations with Credit Available Elsewhere	2.500
Non-Profit Organizations without Credit Available Elsewhere	2.500
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	3.215
Non-Profit Organizations without Credit Available Elsewhere	2.500

The number assigned to this disaster for physical damage is 152286 and for economic injury is 152290.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia G. Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2017–16717 Filed 8–8–17; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10080]

Notice of Public Meeting

The Department of State will conduct an open meeting at 10:30 a.m. on Thursday, September 14, 2017, in U.S. Coast Guard Headquarters, 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington, DC 20593–7509, Room 5Y23–21. The primary purpose of the meeting is to prepare for the fourth Session of the International Maritime Organization's (IMO) Sub-Committee on Implementation of IMO Instruments (III 4) to be held at the IMO Headquarters, London, United Kingdom, on September 25–29, 2017.

The agenda items to be considered include:

—Decisions of other IMO bodies;
—Consideration and analysis of reports on alleged inadequacy of port reception facilities;
—Lessons learned and safety issues identified from the analysis of marine safety investigation reports;
—Measures to harmonize port state control (PSC) activities and procedures worldwide;
—Identified issues related to the implementation of IMO instruments from the analysis of PSC data;
—Analysis of consolidated audit summary reports;
—Updated survey guidelines under the Harmonized System of Survey and Certification (HSSC);
—Non-exhaustive list of obligations under the instruments relevant to the IMO Instruments Implementation Code (III Code);
—Unified interpretation of provisions of IMO safety, security, and environment related conventions; and
—Review the Model Agreement for the authorization of recognized organizations acting on behalf of the Administration.

Members of the public may attend this meeting up to the seating capacity of the room. Upon request to the meeting coordinator, members of the public may also participate via teleconference, up to the capacity of the teleconference phone line. Please contact the meeting coordinator for additional details if you plan to participate by phone. In order to ensure reasonable accommodation for the full number of meeting participants, those who plan to attend should contact the meeting coordinator, Mr. Chris Gagnon, by email at *Christopher.J.Gagnon@uscg.mil,* by phone at (202) 372–1231, or in writing at 2703 Martin Luther King Jr. Ave. SE. , Stop 7509, Washington, DC 20593–7509 not later than September 8, 2017. Requests made after September 8, 2017 might not be able to be accommodated. Please note that due to security considerations, two valid, government issued photo identifications must be presented to gain entrance to the Coast Guard Headquarters building. It is recommended that attendees arrive to the Headquarters building no later than 30 minutes ahead of the scheduled meeting for the security screening process.

The Headquarters building is accessible by taxi and public transportation. Parking in the vicinity of the building is extremely limited and not guaranteed.

Joel C. Coito,

Coast Guard Liaison Officer, Office of Ocean and Polar Affairs, Department of State.

[FR Doc. 2017–16768 Filed 8–8–17; 8:45 am]

BILLING CODE 4710–09–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 670 (Sub–No. 2)]

Notice of Rail Energy Transportation Advisory Committee Vacancy

AGENCY: Surface Transportation Board.

ACTION: Notice of vacancies on Federal advisory committee and solicitation of nominations.

SUMMARY: The Surface Transportation Board (Board) hereby gives notice of two vacancies on its Rail Energy Transportation Advisory Committee (RETAC) for (1) a representative from biofuel feedstock growers or providers and biofuel refiners, processors, and distributors, and (2) an ''at large'' representative with relevant experience in the transportation of energy resources. The Board is soliciting suggestions from the public for candidates to fill these two vacancies.

DATES: Suggestions for candidates for either RETAC membership position are due August 30, 2017.

ADDRESSES: Suggestions may be submitted either via the Board's e-filing

format or in paper format. Any person using e-filing should attach a document and otherwise comply with the instructions at the E–FILING link on the Board's Web site, at *http://www.stb.gov.* Any person submitting a filing in paper format should send the original and 10 copies to: Surface Transportation Board, Attn: Docket No. EP 670 (Sub–No. 2), 395 E Street SW., Washington, DC 20423–0001.

FOR FURTHER INFORMATION CONTACT: Jason Wolfe at 202–245–0239. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: The Board exercises broad authority over transportation by rail carriers, including rates and services (49 U.S.C. 10701–10747, 11101–11124), construction, acquisition, operation, and abandonment of railroad lines (49 U.S.C. 10901–10907), and consolidation, merger, or common control arrangements between railroads (49 U.S.C. 10902, 11323–11327).

In 2007, the Board established RETAC as a Federal advisory committee consisting of a balanced cross-section of energy and rail industry stakeholders to provide independent, candid policy advice to the Board and to foster open, effective communication among the affected interests on issues such as rail performance, capacity constraints, infrastructure planning and development, and effective coordination among suppliers, railroads, and users of energy resources. RETAC operates under the Federal Advisory Committee Act (5 U.S.C. App. 2, §§ 1–16).

RETAC's membership is balanced and representative of interested and affected parties, consisting of not less than: Five representatives from the Class I railroads; three representatives from Class II and III railroads; three representatives from coal producers; five representatives from electric utilities (including at least one rural electric cooperative and one state- or municipally-owned utility); four representatives from biofuel feedstock growers or providers and biofuel refiners, processors, and distributors; one representative of the petroleum shipping industry; and two representatives from private car owners, car lessors, or car manufacturers. RETAC may also include up to two members with relevant experience but not necessarily affiliated with one of the aforementioned industries or sectors. (At present, the at-large seats are occupied by representatives of railway labor and the downstream petroleum production industry.) Members are selected by the Chairman of the Board with the concurrence of a majority of the Board. The Chairman may invite representatives from the U.S. Departments of Agriculture, Energy, and Transportation and the Federal Energy Regulatory Commission to serve on RETAC in advisory capacities as *ex officio* (non-voting) members. The members of the Board serve as *ex officio* members of the Committee.

RETAC meets at least twice per year. Meetings are generally held at the Board's headquarters in Washington, DC, but may be held in other locations. Members of RETAC serve without compensation and without reimbursement of travel expenses unless reimbursement of such expenses is authorized in advance by the Board's Managing Director. Further information about RETAC is available on the RETAC page of the Board's Web site at *http://www.stb.gov/stb/rail/retac.html.*

The Board is soliciting nominations from the public for candidates to fill two vacancies on RETAC. One vacancy will be for a representative from biofuel feedstock growers or providers and biofuel refiners, processors, and distributors, for a three-year term ending September 30, 2020; and one vacancy will be for an ''at large'' representative with relevant experience in the transportation of energy resources, for a three-year term ending September 30, 2020. According to revised guidance issued by the Office of Management and Budget, it is permissible for federally registered lobbyists to serve on advisory committees, such as RETAC, as long as they do so in a representative capacity, rather than an individual capacity. *See Revised Guidance on Appointment of Lobbyists to Fed. Advisory Comms., Bds., & Comm'ns,* 79 FR 47,482 (Aug. 13, 2014). Members of RETAC are appointed to serve in a representative capacity.

Nominations for candidates to fill these vacancies should be submitted in letter form and should include: (1) The name of the candidate; (2) the interest the candidate will represent; (3) a summary of the candidate's experience and qualifications for the position; (4) a representation that the candidate is willing to serve as a member of RETAC; and (5) a statement that the candidate agrees to serve in a representative capacity. Suggestions for candidates for membership on RETAC should be filed with the Board by August 30, 2017. Please note that submissions will be available to the public at the Board's offices and posted on the Board's Web site under Docket No. EP 670 (Sub–No. 2).

Authority: 49 U.S.C. 1321; 49 U.S.C. 11101; 49 U.S.C. 11121.

Decided: August 4, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2017–16799 Filed 8–8–17; 8:45 am]

BILLING CODE 4915–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: The Susquehanna River Basin Commission will hold its regular business meeting on September 7, 2017, in Elmira, New York. Details concerning the matters to be addressed at the business meeting are contained in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting will be held on Thursday, September 7, 2017, at 9 a.m.

ADDRESSES: The meeting will be held at the Holiday Inn Elmira Riverview, Ballroom, 760 E. Water St., Elmira, NY 14901.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, 717–238–0423, ext. 1312.

SUPPLEMENTARY INFORMATION: The business meeting will include actions or presentations on the following items: (1) Informational presentation of interest to the Chemung Subbasin area; (2) ratification/approval of contracts/grants; (3) adoption of alternatives analysis guidance; (4) amendment of delegation authority to the Executive Director; (5) report on delegated settlements; (6) resolution adopting amendments to Commission's By-laws; (7) Middletown Borough request for waiver of application required by 18 CFR 806.6(a)(5) and (b); (8) Peak Resorts, Inc.-Greek Peak Mountain Resort request for waiver of 18 CFR 806.6(b)(1); (9) request for waiver of 18 CFR 806.31(e) as it pertains to the renewal of Docket No. 19870901 for Carrolltown Borough Municipal Authority; and (10) Regulatory Program projects and requests for extension of emergency certificates, including for Sunset Golf Course, Sunoco Pipeline L.P. and Furman Foods, Inc.

Projects, the alternatives analysis guidance and the request of waiver by Middletown Borough are those that were the subject of a public hearing conducted by the Commission on

August 3, 2017, and identified in the notice for such hearing, which was published in 82 FR 31134, July 5, 2017.

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects, the alternatives analysis guidance, and the request for waiver by Middletown Borough were subject to a deadline of August 14, 2017. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, Pennsylvania 17110–1788, or submitted electronically through *http://www.srbc.net/pubinfo/publicparticipation.htm.* Such comments are due to the Commission on or before August 31, 2017. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: August 3, 2017.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2017–16728 Filed 8–8–17; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Thirty Fifth RTCA SC–216 Aeronautical Systems Security Plenary

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

ACTION: Thirty Fifth RTCA SC–216 Aeronautical Systems Security Plenary.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Thirty Fifth RTCA Meeting of Special Committee 216 Aeronautical Systems Security Plenary. SC–216 is a subcommittee to RTCA.

DATES: The meeting will be held September 12–14, 2017, 9:00 a.m.–5:00 p.m.

ADDRESSES: The meeting will be held at: RTCA Headquarters, 1150 18th Street NW., Suite 910, Washington, DC 20036.

FOR FURTHER INFORMATION, CONTACT: Karan Hofmann at *khofmann@rtca.org* or 202–330–0680, or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the Thirty Fifth RTCA SC–216 Aeronautical Systems Security Plenary. The agenda will include the following:

September 12–14, 2017, 9:00 a.m.–5:00 p.m.

1. Welcome and Administrative Remarks
2. Introductions
3. Agenda Review
4. Meeting-Minutes Review
5. Review Joint Action List
6. Review DO–356A/ED–203A for Final Review and Comment (FRAC)/Open Consultation
7. Decision to Approve Release of DO–356A/ED–203A for FRAC/Open Consultation
8. Schedule Update
9. Date, Place and Time of Next Meeting
10. New Business
11. Adjourn Plenary

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 3, 2017.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG–A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2017–16713 Filed 8–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Sixty Sixth RTCA SC–186 Automatic Dependent Surveillance—Broadcast Plenary Meeting

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

ACTION: Sixty sixth RTCA SC–186 Automatic Dependent Surveillance—Broadcast Plenary Meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of Sixty sixth RTCA SC–186 Automatic Dependent Surveillance—Broadcast Plenary Meeting. SC–186 is a subcommittee of RTCA.

DATES: August 22, 2017, 12:00 p.m.–1:00 p.m. EDT.

ADDRESSES: The meeting will be held as a virtual meeting only.

FOR FURTHER INFORMATION CONTACT: Al Secen at *asecen@rtca.org* or 202–330–0647, or The RTCA Secretariat, 1150 18th Street NW., Suite 910, Washington, DC 20036, or by telephone at (202) 833–9339, fax at (202) 833–9434, or Web site at *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., App.), notice is hereby given for a meeting of the Sixty sixth RTCA SC–186 Automatic Dependent Surveillance—Broadcast Plenary Meeting. The agenda will include the following:

Tuesday, August 22, 2017

(1) Chairman's Introductory Remarks
(2) Review of Meeting Agenda
(3) Review/Approval of the Sixty-Fifth Meeting Summary
(4) Approval of Terms of Reference Updates
(5) Adjourn

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on August 3, 2017.

Mohannad Dawoud,

Management & Program Analyst, Partnership Contracts Branch, ANG–A17, NextGen, Procurement Services Division, Federal Aviation Administration.

[FR Doc. 2017–16722 Filed 8–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Change in Use of Aeronautical Property at Louisville International Airport (SDF), Louisville, Kentucky

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) is requesting public comment on a request by the Louisville Regional Airport Authority of Louisville, Kentucky, owner of the Louisville International Airport, to change a portion of airport property from aeronautical to non-aeronautical

use at the Louisville International Airport. The request consists of approximately 0.24 acres to the Commonwealth of Kentucky for use as a permanent utility easement for the relocated portion of Grade Lane.

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

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, Attn: Brian A. Tenkhoff, Program Manager, 2600 Thousand Oaks Boulevard, Suite 2250, Memphis, TN 38118.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Charles T. Miller, Executive Director, Louisville Regional Airport Authority at the following address: 700 Administration Drive, Louisville, KY 40209.

FOR FURTHER INFORMATION CONTACT: Brian A. Tenkhoff, Program Manager, Federal Aviation Administration, Memphis Airports District Office, 2600 Thousand Oaks Boulevard, Suite 2250, Memphis, TN 38118–2482. The application may be reviewed in person at this same location, by appointment.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the request to release property for non-aeronautical purposes at Louisville International Airport, Louisville, KY 40209 under the provisions of 49 U.S.C. 47107(h)(2). The FAA determined that the request to release property at Louisville International Airport (SDF) submitted by the Sponsor meets the procedural requirements of the FAA and the release of the property does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice.

The following is a brief overview of the request:

The Louisville Regional Airport Authority is proposing the release of approximately 0.24 acres to the Commonwealth of Kentucky for use as a permanent utility easement for the relocated portion of Grade Lane. In turn, allowing U.S. Department of Homeland Security to enhance security for the KYANG base at the airport. This property is located along the existing airport eastern property line extending approximately 1,400 feet along I–65. The proposed use of this property is compatible with airport operations.

Any person may inspect, by appointment, the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

Issued in Memphis, Tennessee on August 3, 2017.

Tommy L. Dupree,

Assistant Manager, Memphis Airports District Office, Southern Region.

[FR Doc. 2017–16803 Filed 8–8–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2016–0063]

Petition for Waiver of Compliance

Under Part 211 of Title 49 of the Code of Federal Regulations (CFR), this provides the public notice that on May 20, 2016, the Strasburg Railroad Company (SRC) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR 222.21. FRA assigned the petition docket number FRA–2016–0063.

Specifically, SRC seeks a waiver from 49 CFR 222.21, *When must a locomotive horn be used?* so that the locomotive horn is not sounded when approaching a public highway-rail grade crossing while passing livestock near the train if the crossing is observed to be clear and the crossing protection is activated. SRC's historic, excursion, and switching operations are conducted on Class 2 main track located in Amish farmland where horse and mule teams are used for farming and transportation. SRC's main track has four public highway crossings, all protected by gates and flashers. All crossings are two lane roads that are not heavily trafficked by motor vehicles.

SRC requests this relief to avoid causing incidents and injuries involving Amish animal teams, equipment, and people as the animals may be startled by the train whistle or bell. Most of the Amish animals are accustomed to the steam locomotives and railroad equipment; but animals are unpredictable and may be spooked by the train, particularly the sounding of the whistle and bell. SRC has observed incidents with animal teams because the animals were startled by the whistle and/or bell of the locomotive, resulting in damage and injury to the animals, occupants of the carriages, the carriages, and crossing gate mechanisms.

Since 1958, it has been common practice for SRC crews to refrain from blowing the whistle or ringing the bell when they see a team nearby, including when the train is occupying highway-rail grade crossings. Determination of the status of the crossing protection, location of the team, and status of motor vehicles are all considered by an SRC crew when deciding whether to occupy a crossing without using the bell or whistle. There have been no incidents at crossings as a result of not blowing the whistle or ringing the bell.

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 Ave. 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, 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 September 25, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as 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.). In accordance with 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.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2017–16796 Filed 8–8–17; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[U.S. DOT Docket No. NHTSA–2017–0048]

Reports, Forms, and Record Keeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections.

This document describes an Information Collection Request (ICR) for which NHTSA intends to seek OMB approval.

DATES: Comments must be submitted on or before October 10, 2017.

ADDRESSES: You may submit comments identified by DOT Docket ID Number NHTSA–2017–0048 using any of the following methods:

Electronic Submissions: Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Mail: Docket Management Facility, M–30, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.

Hand Delivery: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Fax: 1–202–493–2251.

Instructions: Each submission must include the Agency name and the Docket number for this Notice. Note that all comments received will be posted without change to *http://www.regulations.gov* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Randolph Atkins, Ph.D., Contracting Officer's Representative, Office of Behavioral Safety Research (NTI–131), National Highway Traffic Safety Administration, 1200 New Jersey Ave. SE., W46–500, Washington, DC, 20590. Dr. Atkins' phone number is 202–366–5597 and his email address is *randolph.atkins@dot.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulations (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected; and

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comment on the following proposed collection of information:

Title: Compliance-Based Ignition Interlock Removal.

Type of Request: New information collection request.

OMB Clearance Number: None.

Form Number: NHTSA Form 1395.

Requested Expiration Date of Approval: 3 years from date of approval.

Summary of the Collection of Information—The National Highway Traffic Safety Administration (NHTSA) proposes to collect information from 31 States that have policies for the compliance-based removal (CBR) of alcohol ignition interlock devices (AIIDs). The study will be conducted in two phases. In phase one, information will be collected on the details of the States' implementation of CBR and information on their CBR-related data to identify States with sufficient data to conduct an evaluation of the effects of CBR on DUI recidivism. It will also identify States' interested in participating in an evaluation of CBR effectiveness. We anticipate that information will come from State officials familiar with their States' interlock programs. It may also be necessary to collect data from interlock providers in those States. We estimate that this phase of data collection will involve contacting and interviewing an average of three people per State (93 total). Initial contacts will be made by telephone and email. Data will then be collected through semi-structured face-to-face and telephone interviews. The second phase of the study will be an evaluation of CBR effectiveness using the States' existing data. These evaluations will be conducted in up to four States, depending on phase one findings regarding data availability and interest in participation.

Description of the Need for the Information and Proposed Use of the Information—NHTSA was established by the Highway Safety Act of 1970 (23 U.S.C. 101) to carry out a Congressional mandate to reduce the number of deaths, injuries, and economic losses resulting from motor vehicle crashes on the Nation's highways. NHTSA is authorized to conduct research as a foundation for the development of motor vehicle standards and traffic safety programs.

Alcohol impairment is one of the primary causes of motor vehicle crashes on the Nation's highways. In 2015, 29 percent of all motor-vehicle traffic fatalities involved alcohol impairment, resulting in the loss of 10,265 lives. A vehicle equipped with an AIID requires the driver to provide a breath sample to start the vehicle. If the breath sample is above a set limit for Breath Alcohol Concentration (BrAC), then the vehicle will not start. AIIDs have been shown to reduce driving-under-the-influence (DUI) recidivism of DUI offenders who have AIIDs installed on their vehicles; however, the effect tends to dissipate once the devices are removed. The data generated by the AIIDs can be used to identify offenders unable to comply with interlock program requirements. It is believed that these are the offenders most likely to recidivate. CBR programs are designed to reduce recidivism by delaying removal of the AIID for these offenders.

The purpose of the study is to provide critical information needed by NHTSA

to determine the effects of CBR on DUI recidivism, as well as information on the types of CBR policies currently in place. This information will be useful to States interested in instituting or changing CBR policies in their own interlock programs, to help reduce deaths and injuries associated with DUI. The data collected will be used to assist NHTSA in its ongoing responsibilities for: (a) Developing an accurate understanding of potential traffic safety interventions on a national scale; (b) providing information to NHTSA's partners involved in improving public safety; and (c) providing sound scientific reports on NHTSA's activities to other public safety researchers.

Description of the Likely Respondents (Including Estimated Number, and Proposed Frequency of Response to the Collection of Information)—NHTSA has identified 31 States that conduct some type of CBR of AIIDs. The number of participants will vary for each State. We estimate an average of three participants per State. Most participants will be State officials and these individuals will provide the majority of the necessary information for each State. We anticipate that in some instances State officials will refer us to representatives of interlock providers to obtain data not available to the State official. The data to be collected is administrative in nature. No personally identifiable data will be collected. We will not be collecting data that is commonly considered sensitive or private.

Estimate of the Total Annual Reporting and Record Keeping Burden Resulting from the Collection of Information—The total estimated annual burden is approximately 46.5 hours for the information collection. NHTSA estimates that for the 31 states identified, an average of approximately 60 minutes per state will be needed to obtain the information necessary (1860 minutes total). These data collection activities will be used to gain as complete an understanding of the CBR programs in each state as possible. A report will be created for each state and shared with state officials to verify its accuracy. NHTSA estimates 60 minutes to read and correct the report and return it by email (1860 minutes total). In many States more than one individual will review the report. NHTSA estimates an average of two individuals from each state to read and correct the report and return it by email. In total, NHTSA estimates a total burden of 3720 minutes, or 62 hours, for participants in States to provide the necessary information.

Authority: 44 U.S.C. Section 3506(c)(2)(A)

Issued in Washington, DC on August 4, 2017.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2017–16785 Filed 8–8–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Reports, Forms, and Record Keeping Requirements: Agency Information Collection Activity Under OMB Review

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below will be submitted to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and the expected burden. The **Federal Register** notice with a 60-day comment period was published on December 7, 2016.

DATES: Comments must be submitted on or before September 8, 2017.

ADDRESSES: Send comments, within 30 days, to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention NHTSA Desk Officer.

FOR FURTHER INFORMATION CONTACT: Jeremy Gunderson, Office of Safety Programs (NPD–210), National Highway Traffic Safety Administration, 1200 New Jersey Avenue SE., W44–213, Washington, DC 20590. Mr. Gunderson's telephone number is 202–366–0521 and his email address is *Jeremy.Gunderson@dot.gov.*

SUPPLEMENTARY INFORMATION:

Title: Education on Proper Use of Seat Belts on School Buses.

OMB Control Number: None.

Type of Request: New information collection requirement.

Type of Review: Regular.

Abstract: Between 2004 and 2015, an average of six school-age children per year were killed in collisions while riding in a school bus. The National Highway Traffic Safety Administration is undertaking a project to understand the factors considered by state and local agencies when deciding whether to require seat belts on school buses and the funding mechanisms that are used to pay for seat belt installation. To accomplish this, NHTSA proposes to conduct discussions and informal interviews to identify school districts that have seat belts on school buses and to gather information on both implementation and funding mechanisms. NHTSA also recognizes the importance of reaching out to school districts who do not currently require seat belts in order to gain a broader picture of the priorities and challenges that jurisdictions face. Therefore, NHTSA will also be gathering feedback from school districts that are not considering implementation, or are considering but struggling to implement, as their perspectives will be helpful in developing model policies. These discussions will be held via telephone, email, and/or in-person throughout the course of the project. The findings will be used to develop a model policy and a best practices guide to assist jurisdictions that are considering a requirement regarding seat belts on school buses.

The project also aims to obtain data related to the effect that seat belt use may have on school bus driver distraction. Therefore, NHTSA proposes to conduct a Web-based survey to gather information about bus driver distraction as related to student behavior and seat belt use to see if the use of seat belts has influenced disruptive behavior. The project will culminate with a report to explain the findings.

Affected Public: In order to identify school districts who have implemented, or are planning to implement, seat belts on their school buses, NHTSA will reach out to organizations such as the National Association of State Directors of Pupil Transportation Services (NASDPTS), the National Association of Pupil Transportation (NAPT), the National School Transportation Association (NSTA), American School Bus Council (ASBC), and school bus manufacturers and dealers. NHTSA anticipates contacting approximately 100 individuals across the country to ask general questions related to seat belt use in their jurisdictions. To the extent possible, NHTSA will also identify appropriate contact(s) in each school district.

NHTSA will reach out to school districts who have agreed to provide the agency with more information on their decisions to require seat belts on school buses and the funding mechanisms that are used to pay for seat belt installation. Informational interviews will be conducted with approximately 25 people, including State directors of pupil transportation and local school district professionals, to identify policy

components that influence seat belt acquisition and use. Participants for the Web-based survey will include school bus drivers from participating school districts. NHTSA expects to distribute the survey to one or more bus drivers in each of the school districts that participate in the aforementioned interview.

Estimated Total Annual Burden: 133 hours total; approximately 44 hours per year.

The initial discussions would take approximately 5 minutes with 100 people for a total of 8 hours. The informational interviews with school districts would take an average of approximately 4 hours with 25 people for a total of 100 hours. (In some cases, the necessary information may be retrieved through a one-time telephone or in-person discussion, while in other cases discussions may continue via telephone and email as an on-going discussion throughout the course of the project as school districts provide additional information). The bus driver survey would take 15 minutes with approximately 100 people for a total of 25 hours.

Comments Are Invited on the Following

i. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

ii. the accuracy of the agency's estimate of the burden of the proposed information collection;

iii. ways to enhance the quality, utility, and clarity of the information to be collected; and

iv. ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is most effective if OMB receives it within 30 days of publication.

Authority: 44 U.S.C. Section 3506(c)(2)(A)

Issued on: August 1, 2017.

Jeff Michael,

Associate Administrator, Research and Program Development.

[FR Doc. 2017–16602 Filed 8–8–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. DOT–OST–2017–0096]

Senior Executive Service Performance Review Boards Membership

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Notice of Performance Review Board (PRB) Appointments.

SUMMARY: DOT published the names of the persons selected to serve on Departmental PRBs as required by law.

FOR FURTHER INFORMATION CONTACT: Lisa M. Williams, Director, Departmental Office of Human Resource Management (202) 366–4088.

SUPPLEMENTARY INFORMATION: The persons named below may be selected to serve on one or more Departmental PRBs.

Keith E. Washington,

Deputy Assistant Secretary for Administration.

Department of Transportation

Federal Highway Administration

ALICANDRI, ELIZABETH
ALONZI, ACHILLE
ARNOLD, ROBERT E.
BEZIO, BRIAN R.
BIONDI, EMILY CHRISTINE
BROWN, JANICE W.
CALLENDER, DUANE A.
CHRISTIAN, JAMES C.
COLLINS, BERNETTA L.
CRONIN, BRIAN P.
ELSTON, DEBRA S.
EVANS, MONIQUE REDWINE
EVERETT, THOMAS D.
FINFROCK, ARLAN E JR.
FLEURY, NICOLLE M.
FURST, ANTHONY T.
GATTI, JONATHAN D.
GRIFFITH, MICHAEL S.
HARTMAN, JOSEPH L.
HESS, TIMOTHY G.
HUGHES RAYMAN, CAITLIN
KALLA, HARI
KEHRLI, MARK R.
KNOPP, MARTIN C.
LEONARD, KENNETH
LUCERO, AMY C.
MAMMANO, VICENT P.
MARCHESE, APRIL LYNN
OSBORN, PETER W.
OTTO, SANDRA L.
PETTY, KENNETH II
RICHARDSON, CHRISTOPHER STEVEN
RICHTER, CHERYL ALLEN
RICO, IRENE
RIDENOUR, MELISA LEE
ROHLF, JOHN G.
SCHAFTLEIN, SHARI M.
SCHMIDT, ROBERT T.
SHEPHERD, GLORIA MORGAN
SHORES, SARAH J.
STEPHANOS, PETER J.
SUAREZ, RICHARDO
TRENTACOSTE, MICHAEL F.
TURNER, DERRELLE E.
WAIDELICH, WALTER C. JR.
WINTER, DAVID R.
WRIGHT, LESLIE JANICE
ZIMMERMAN, MARY BETH

Federal Motor Carrier Administration

COLLINS, ANNE L.
DELORENZO, JOSEPH P.
FROMM, CHARLES J.
HORAN, CHARLES A. III
HUTCHINSON, RANDI F.
JEFFERSON, DAPHNE Y.
KEANE, THOMAS P.
MILLER, ROBERT WILLIAM
MINOR, LARRY W.
QUADE, WILLIAM A. III
REED, PAMELA GRAHAM
REGAL, GERALDINE K.
RIDDLE, KENNETH H.
RUBAN, DARRELL L.
SMITH, STEVEN K.
THOMAS, CURTIS L.
VAN STEENBURG, JOHN W.

Federal Railroad Administration

ALEXY, JOHN KARL
ALLAHYAR, MARYAM
HALL, REBER H.
HERRMANN, THOMAS J.
INDERBITZIN, SARAH LYNNE
LAUBY, ROBERT C.
LESTINGI, MICHAEL W.
NISSENBAUM, PAUL
PENNINGTON, REBECCA A.
RENNERT, JAMIE P.
RIGGS, TAMELA LYNN
WARREN, PATRICK THERON

Federal Transit Administration

AHMAD, MOKHTEE
BUCHANAN, HENRIKA J.
CROUCH, MATTHEW M.
GARCIA CREWS, THERESA
GARLIAAUSKAS, LUCY
GEHRKE, LINDA M.
GOODMAN, STEPHEN C.
LITTLETON, THOMAS
MELLO, MARY E.
NIFOSI, DANA C.
PATRICK, ROBERT C.
ROGERS, LESLIE T.
SIMON, MARISOL R.
TAYLOR, YVETTE G.
TERWILLIGER, CINDY E.
TUCCILLO, ROBERT J.
VALDES, VINCENT
WELBES, MATTHEW J.

Maritime Administration

BOHNERT, ROGER V.
BRAND, LAUREN K.
BROHL, HELEN A.

CAHILL, WILLIAM H.
DAVIS, DELIA P.
DOHERTY, OWEN J.
DUNLAP, SUSAN LYNN
FISHER, ANTHONY JR.
HELIS, JAMES A.
KUMAR, SHASHI N.
MC MAHON, CHRISTOPHER J.
MOSCHKIN, LYDIA
PIXA, RAND R.
QUINN, JOHN P.
SZABAT, JOEL M.
TOKARSKI, KEVIN M.

National Highway Traffic Safety Administration

BEUSE, NATHANIEL M.
BLINCOE, LAWRENCE J.
COGGINS, COLLEEN P.
DANIELSON, JACK H.
DONALDSON, K. JOHN
GIUSEPPE, JEFFREY M.
GUNNELS, JEFFRFEY M.
GUNNELS, MARY D.
HATIPOGLU, CEM
HINES, DAVID M.
JOHNSON, TIM J.
KOLLY, JOSEPH M.
MARSHALL, JOHN W.
MCLAUGHLIN, SUSAN
MICHAEL, JEFFREY P.
POSTEN, RAYMOND R.
RIDELLA, STEPHEN A.
SHELTON, TERRY T.
SPRAGUE, MARY G.
WOOD, STEPHEN P.

Office of the Secretary

ABRAHAM, JULIE
ALBRIGHT, JACK G.
AUDET, ANNE H.
AUGUSTINE, JOHN E.
AYLWARD, ANNE D.
BALDWIN, KRISTEN K.
BEDELL, ANTHONY R.
BRITT, MICHAEL J.
BURR, GEOFFREY GRANT
CARLSON, TERENCE W.
FARLEY, AUDREY L.
FLEMING, GREGG G.
FUNK, JENNIFER S.
GEIER, PAUL M.
GENERO, LAURA
HEDBERG, BRIAN J.
HERLIHY, THOMAS W.
HOLDEN, STEPHEN H.
HOMAN, TODD M.
HORN, DONALD H.
HU, PATRICIA S.
HURDLE, LANA T.
INMAN, JAMES TODD
JACKSON, RONALD A.
JAMES, CHARLES E.
JANG, DEENA L.
JOYNER, GREGORY GILBERT
KALETA, JUDITH S.
KAN, DEREK T.
KLEPPER, MARTIN V.
KNOUSE, RUTH D.
LEFEVRE, MARIA S.
LOWDER, MICHAEL W.
MACECEVIC, LISA J.
MARTIN, HAROLD W. III
MCCANN, BARBARA A.
MCCARTNEY, ERIN P.
MCDERMOTT, SUSAN E.
MCINERNEY, MARIANNE
MCMASTER, SEAN K.B.
MEDINA, YVONNE R.
MISIAK, JODIE M.
MORRIS, WILLIS A.
MOSS, JONATHAN P.
NELSON, KEITH A.
O'BERRY, DONNA
ORNDORFF, ANDREW R.
PAIEWONSKY, LUISA M.
PETROSINOWOOLVERTON, MARI
POPKIN, STEPHEN M.
PROLL, LESLIE M.
RAY, JAMES D.
SCHMITT, ROLF R.
SLATER, GEORGE B.
SMITH, WILLIE H.
SOLOMON, GERALD L.
TIMOTHY, DARREN P.
WASHINGTON, KEITH E.
WILLIAMS, LISA M.
WOMACK, KEVIN C.
WORKIE, BLANE A.
ZIFF, LAURA M.

Pipeline and Hazardous Materials Safety Administration

CURRY, KIM Y
DAUGHERTY, LINDA
LOTT, EVERETT
MAYBERRY, ALAN K.
MCMILLAN, HOWARD W.
MEIDL, RACHEL A.
PERRIELLO, TAMI L.
SCHOONOVER, WILLIAMS S.
TSAGANOS, VASILKI B.

Saint Lawrence Seaway Development Corporation

LAVIGNE, THOMAS A.
MIDDLEBROOK, CRAIG H.

[FR Doc. 2017–16450 Filed 8–8–17; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Actions Pursuant to Executive Order of March 8, 2015, ''Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela''

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of a person whose property and interests in property are blocked pursuant to the Executive Order of March 8, 2015, ''Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela.''

DATES: OFAC's actions described in this notice were applicable on July 31, 2017.

FOR FURTHER INFORMATION CONTACT: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480, Assistant Director for Regulatory Affairs, tel.: 202–622–4855, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic Availability

The list of Specially Designated Nationals and Blocked Persons (SDN List) and additional information concerning OFAC sanctions programs are available on OFAC's Web site at *http://www.treasury.gov/ofac.*

Notice of OFAC Actions

On July 31, 2017, OFAC's Director determined that the property and interests in property of the following person are blocked pursuant to Executive Order 13692 of March 8, 2015, ''Blocking Property and Suspending Entry of Certain Persons Contributing to the Situation in Venezuela'' (E.O. 13692). The OFAC Director designated this person under section 1(a)(ii)(C) of E.O. 13692 for being a current or former official of the Government of Venezuela.

1. MADURO MOROS, Nicolas (Latin: MADURO MOROS, Nicolás), Caracas, Capital District, Venezuela; DOB 23 Nov 1962; POB Caracas, Venezuela; citizen Venezuela; Gender Male; Cedula No. 5892464 (Venezuela); President of the Bolivarian Republic of Venezuela (individual) [VENEZUELA]. Designated pursuant to section 1(a)(ii)(C) of E.O. 13692 for being a current or former official of the Government of Venezuela.

Dated: July 31, 2017.

John E. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2017–16419 Filed 8–8–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Privacy Act of 1974; System of Records

AGENCY: Department of the Treasury, Bureau of Engraving and Printing (BEP)

ACTION: Notice of a Modified System of Records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended, the Department of the Treasury (''Treasury'' or the ''Department''), Bureau of Engraving and Printing (BEP) proposes to modify an existing system of records titled, ''Department of the Treasury, Bureau of Engraving and Printing (BEP) .046—Automated Mutilated Currency Tracking System'' that will now be titled ''Department of the Treasury, Bureau of Engraving and Printing (BEP) .046—Mutilated Currency Requests Tracking System.''

DATES: Submit comments on or before September 8, 2017. This modified system and the routine uses will be effective September 8, 2017 unless BEP receives comments and determines that changes to the system of records notice are necessary.

ADDRESSES: You may submit comments to the Federal eRulemaking Portal electronically at *http://www.regulations.gov.* You may also submit comments to Leslie J. Rivera-Pagán, Attorney/Adviser—Privacy Act Officer, Office of the Chief Counsel, U.S. Department of the Treasury, Bureau of Engraving and Printing, Room 419–A, 14th & C Streets SW., Washington, DC 20228, Attention: Revisions to Privacy Act Systems of Records. You may also fax comments to (202) 874–2951 or submit by email to *Leslie.Rivera-Pagan@bep.gov.* For faxes and emails, please place, ''Revisions to SORN Treasury/BEP -.046—Mutilated Currency Requests Tracking System,'' in the subject line. Comments will be made available for public inspection upon written request. The BEP will make such comments available for public inspection and copying at the above listed location, on official business days between 9:00 a.m. and 5:00 p.m. eastern time. Persons wishing to review the comments must request an appointment by telephoning (202) 874–2500. All comments received, including attachments and other supporting documents, are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: For general questions and privacy issues please contact: Leslie J. Rivera-Pagán at (202) 874–2500 or *Leslie.Rivera-Pagan@bep.gov*.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, the Department of the Treasury (''Treasury'' or the ''Department''), Bureau of Engraving and Printing (''BEP'') proposes to modify an existing system of records titled, ''Department of the Treasury, Bureau of Engraving and Printing (BEP) .046—Automated Mutilated Currency Tracking System.''

The BEP's Office of Financial Management (''OFM''), Mutilated Currency Division (MCD) uses the Mutilated Currency Requests Tracking System to track requests for examination of mutilated currency submitted by individuals, institutions, or executors/administrators (''requesters'') to the BEP for evaluation and possible redemption. On May 29, 2014, the BEP amended its regulations on exchange of mutilated currency in order to update mutilated currency procedures and eliminate references to obsolete practices and terms. *See* 31 CFR part 100, subpart B, 100.5–100.9, 79 FR 30724 (2014). The new BEP's regulations require requesters to provide personal banking information since all mutilated currency redemptions of $500.00 or more shall be made via electronic funds transfers (''EFT'') by the Department of the Treasury, Bureau of the Fiscal Service (''BFS'') in accordance with the Debt Collection Improvement Act of 1996 (DCIA), 31 U.S.C. 3332(e).

Under the existing system of records, BEP may collect limited personal information from requesters to process the requests and redeem the mutilated currency, if authorized. The BEP has encountered some schemes where currency is mutilated intentionally in an apparent attempt to defraud the Federal government. The intentionally mutilated currency is often intermingled with other bills in an apparent effort to thwart detection. The amendments to the existing system of records are needed to identify the individual submitting the request, document how the currency came to be mutilated, provide bank account information to BFS to allow payment via EFT, and help deter fraud and abuse in mutilated currency submissions.

The changes to the system of records include: (1) Renaming all headings and the system title to ''Department of the Treasury, Bureau of Engraving and Printing (BEP) .046—Mutilated Currency Requests Tracking System.''; (2) expanding the type and categories of records maintained in the system, including bank account number and bank routing number to allow payment via EFT; (3) clarifying agency's authority for collecting, maintaining, using, and disseminating the records in the system; (4) correcting the applicable records retention schedule citation; (5) discontinuing the use of address as a source for retrieval of records; (6) discontinuing routine uses for sharing information with the unions and the news media after BEP conducted a review and determined that these routine use disclosures are duplicative and unnecessary; and (7) adding routine uses to share information with (a) the Department of Justice for providing legal advice or represent the BEP, and (b) other Federal agencies or Federal entities as required by OMB Memorandum 17–12, ''Preparing for and Responding to a Breach of Personally Identifiable Information,'' dated January 3, 2017, to assist BEP in responding to a suspected or confirmed breach or prevent, minimize, or remedy the risk of harm to the requesters, BEP, the Federal government, or national security. Other changes throughout the document are editorial in nature and consist primarily of correction of citations, updates to address, and clarification to the storage and safeguards.

BEP has provided a report of this system of records to the Committee on Oversight and Government Reform of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Office of Management and Budget (OMB), pursuant to 5 U.S.C. 552a(r) and OMB Circular A–108, ''Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' dated December 23, 2016.

For the reasons set forth in the preamble, BEP proposes to modify its system of records entitled ''Department of the Treasury, Bureau of Engraving and Printing (BEP) .046—Automated Mutilated Currency Tracking System'' as follows:

For the reasons set forth in the preamble, BEP proposes to modify its system of records entitled ''Department of the Treasury, Bureau of Engraving and Printing (BEP) .046—Automated Mutilated Currency Tracking System'' as follows:

Dated: August 1, 2017.

Ryan Law,

Deputy Assistant Secretary for Privacy, Transparency, and Records.

SYSTEM NAME AND NUMBER:

Department of the Treasury, Bureau of Engraving and Printing (BEP) .046—Mutilated Currency Requests Tracking System.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are maintained at the Office of Financial Management, Bureau of Engraving and Printing, District of Columbia Facility, 14th & C Streets SW., Washington, DC 20228.

SYSTEM MANAGER(S):

Chief, Bureau of Engraving and Printing, District of Columbia Facility, Office of Financial Management, 14th & C Streets SW., Washington, DC 20228.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 12 U.S.C. 413, 31 U.S.C. 321, 3332, 5118, 5120 and 31 CFR part 100, subpart B, 100.5–100.9.

PURPOSE(S) OF THE SYSTEM:

The purpose of this system is to track requests for examination of mutilated currency submitted to the Bureau of Engraving and Printing (BEP) for evaluation and possible redemption. In addition, the system will help process the payments of mutilated currency requests of $500.00 via electronic funds transfer (EFT) with the Department of the Treasury, Bureau of the Fiscal Service.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals, institutions, and executors/administrators (requesters) submitting requests for examination of mutilated currency for possible redemption.

CATEGORIES OF RECORDS IN THE SYSTEM:

- Name;
- Home Address;
- Business Address;
- Home Phone Number;
- Business Phone Number;
- Personal Email Address;
- Business Email Address;
- Estimated Total Amount of Currency;
- Bank Name;
- Bank Routing Number;
- Bank Account Number;
- Description Mutilated Currency Remnants;
- Signature;
- Case Number;
- Open Date;
- Close Date;
- Delivery Code;
- Delivery Tracking Number;
- Denomination;
- Note Code;
- Number of Notes;
- Grade of Notes;
- Initial Examiner's Name;
- Current Examiner's Name;
- Committee Examiner's Name;
- Committee Verifier's Name;
- IRS Amount;
- Remitted Amount;
- Payment Status;
- Location Code;
- Assigned To Name;
- Transferred Date;
- Archived Date;
- Payee Name;
- Secure Payment System (SPS) Schedule Number; and
- SPS Schedule Line Number.

RECORD SOURCE CATEGORIES:

Records are obtained from the requester (*i.e.,* individual, institution, or administrator/executor) and BEP employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under the Privacy Act of 1974, 5 U.S.C. 552a(b), records and/or information or portions thereof maintained as part of this system may be disclosed outside Treasury/BEP as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

(1) To appropriate federal, state, local, or foreign agencies, or other public authority agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of a potential violation of civil, administrative, or criminal law, or regulation;

(2) To federal, state, local, or other public authority agency which has requested information relevant or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(3) To a court, adjudicative body, or other administrative body before which BEP is authorized to appear when (a) the agency; (b) any employee of the agency in his or her official capacity; (c) any employee of the agency in his or her individual capacity where the U.S. Department of Justice (''DOJ'') or the agency has agreed to represent the employee; or (d) the Government of the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(4) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(5) To the Department of Justice (''DOJ'') for its use in providing legal advice to the BEP or in representing the BEP in a proceeding before a court, adjudicative body, or other administrative body before which the BEP is authorized to appear, where the BEP deems DOJ's use of such information relevant and necessary to the litigation, and such proceeding names as a party or interests:

(a) The BEP or any component of it;

(b) Any employee of the BEP in his or her official capacity;

(c) Any employee of the BEP in his or her individual capacity where DOJ has agreed to represent the employee; or

(d) The Government of the United States, where the BEP determines that litigation is likely to affect the BEP or any of its components;

(6) To third parties during the course of an investigation conducted by the BEP to the extent necessary to support the investigation;

(7) To appropriate agencies, entities, and persons when (1) the Department and/or BEP suspects or has confirmed that there has been a breach of the system of records; (2) the Department and/or BEP has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department and/or BEP (including its information systems, programs, and operations), the Federal government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department and/or BEP efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm; and

(8) To another Federal agency or Federal entity, when the Department and/or BEP determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal government, or national security resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored electronically or on paper in secure facilities in a locked drawer behind a locked door.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records may be retrieved by case number, delivery tracking number, and name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are managed in accordance with National Archives and Records Administration approved BEP Records Schedule N1–318–04–16 Currency Standards.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access is limited to personnel approved by the Office of Financial Management, Mutilated Currency Division. There are both logical and physical controls in place to protect access to the data. Records are maintained in locked file cabinets. Only authorized users have access to the area that houses the file cabinets. Rooms are locked when not manned by cleared personnel.

RECORD ACCESS PROCEDURES:

Individuals seeking to determine whether this system of records contains their information should address written inquiries in accordance with 31 CFR part 1 to the Disclosure Officer, Bureau of Engraving and Printing, Office of the Chief Counsel—FOIA and Transparency Services, 14th & C Streets SW., Room 419–A, Washington, DC 20228.

CONTESTING RECORD PROCEDURES:

See ''Record Access Procedures'' above.

NOTIFICATION PROCEDURES:

See ''Record Access Procedures'' above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Notice of this system of records was last published in full on April 16, 2013 (78 FR 22617) as the Department of the Treasury, Bureau of Engraving and Printing (BEP) .046—Automated Mutilated Currency Tracking System''.

[FR Doc. 2017–16789 Filed 8–8–17; 8:45 am]

BILLING CODE 4840–01–P

DEPARTMENT OF VETERANS AFFAIRS

Notice of Request for Information To Assist the Department of Veterans Affairs To Determine the Feasibility and Need for Providing Interments in Veterans' National Cemeteries on Saturdays and Sundays

AGENCY: Department of Veterans Affairs.

ACTION: Request for Information.

SUMMARY: The Department of Veterans Affairs (VA) is requesting feedback to assist in implementing section 304 of the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016, which requires VA to conduct a study on the feasibility and need for providing increased interments in VA national cemeteries on Saturdays and Sundays. This notice requests comments from interested parties to help inform VA as it conducts this study, to include specific questions for comment with regard to the perceived need for such increased interments.

DATES: Comments in response to this request for information must be received by VA on or before September 8, 2017.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov,* or by mail or hand delivery to the Director, Office of Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026 (this is a toll-free number). Comments should indicate they are submitted in response to ''Notice of Request for Information to assist the Department of Veterans Affairs to determine the feasibility and need for providing interments in veterans' national cemeteries on Saturdays and Sundays.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, (00REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Room 1063B, Washington, DC 20420, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except Federal holidays). Please call (202) 461–4902 for an appointment (this is not a toll-free number). During the comment period, comments may also be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Brad Phillips, Executive Director, Pacific District, National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (510) 637–6280 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Section 304 of the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016 (Public Law 114–315, hereafter referred to as ''the Act'') requires VA to conduct a study on the feasibility and need for providing increased interments in veterans' cemeteries on Saturdays and Sundays. In accordance with section 304(a)(2) of the Act, matters to be studied include: (1) The number of requests for interments in veterans' cemeteries on a Saturday or Sunday since January 1, 2007; (2) the number of requests that were granted for interments in veterans' cemeteries on a Saturday or Sunday since January 1, 2007; (3) an estimate of the number of families that, since January 1, 2007, would have selected a weekend interment if such an interment had been offered; (4) a review of the practices relating to weekend interments among non-veterans' cemeteries, including private and municipal cemeteries; (5) a comparison of the costs to veterans' cemeteries with respect to providing regular interments only during weekdays and such costs for providing regular interments during weekdays and at least one weekend day; (6) any other information the Secretary determines appropriate.

Under section 304(a)(3) of the Act, VA must consult with the following groups in conducting this study: veterans who are eligible to be interred in a veterans' cemetery; family members of individuals interred in a veterans' cemetery; veterans service organizations; associations representing cemetery and funeral home professionals; the heads of agencies of State governments relating to veterans affairs; the directors of veterans' cemeteries; and any other person the Secretary determines appropriate. This notice of request for information serves as the means for VA to consult with these groups and entities by soliciting their input on two specific matters: the number of families that, since January 1, 2007, would have selected a weekend interment if such an interment had been offered (in accordance with section 304(a)(2)(C) of the Act); and the practices relating to weekend interments among non-veterans' cemeteries, including private and municipal cemeteries (in accordance with section 304(a)(2)(D) of the Act). VA will use comments it receives as part of conducting the study required in section 304(a) of the Act. VA will then submit a final report to Congress regarding the

study, as required by section 304(b) of the Act. VA notes that due to the requirement in section 304(b) of the Act to submit a report to Congress within 180 days of enactment of the Act, VA has submitted an interim report to Congress with internal administrative information related to the feasibility of and need for providing these increased interments, as well as summaries of similar information that some external groups anecdotally provided to VA. This notice of request for information ensures that all groups with which VA is required to consult in section 304(a)(3) have an opportunity to comment on those matters listed in section 304(a)(2)(C) and (D) of the Act. VA has been able to gather information from its internal administrative systems as relates to the other matters listed in the Act.

This notice of request for information has a comment period of 30 days in which commenters may reply to the questions presented in the next section below. VA believes that 30 days are sufficient to provide comments, as some groups and entities with expertise in the feasibility of and need for providing these increased interments have already provided anecdotal information that has informed VA's interim report to Congress.

This notice is a request for information only. This does not constitute a Request for Proposal, applications, proposal abstracts, or quotations, and VA will not accept unsolicited proposals. Commenters are encouraged to provide complete but concise responses to the questions outlined below. Please note that VA will not respond to comments or other questions regarding policy plans, decisions, or issues with regard to this notice. VA may choose to contact individual commenters, and such communications would only serve to further clarify their written comments.

Request for Information

This request for information will assist VA to conduct the study required in section 304(a) of the Act. Because VA is required to consult with specific groups as listed in section 304(a)(3) of the Act, and because some questions solicit information from these specific groups, VA requests that all commenters identify in their comments if they are members of one of the following groups: Veterans who are eligible to be interred in a veterans' cemetery; family members of individuals interred in a veterans' cemetery; veterans service organizations; associations representing cemetery and funeral home professionals; and the heads of agencies of State governments relating to veterans affairs. VA welcomes comments from individuals outside of these groups as well. VA requests information related to the questions below:

1. If you are a family member of an individual who was interred in a VA national cemetery since January 1, 2007, would you likely have selected a weekend interment option (interment on Saturday or Sunday) if one had been offered? Why or why not?

2. If you are a veteran or other individual eligible for interment at a VA national cemetery, or family member of such an individual:

a. Would you prefer a weekend interment (Saturday or Sunday) if such an option were offered? Why or why not?

b. Would you prefer interment on a Saturday or on a Sunday, and why might you have a preference for one day or the other?

3. If you belong to an association, entity, or business representing cemetery and funeral home professionals, or are a director of a State or tribal veterans' cemetery, please provide a review of practices relating to weekend interment options offered in private and other cemeteries (that are not VA national cemeteries). Specifically:

a. Do your members, or does your organization or business, offer a Saturday or Sunday interment option? Why or why not?

b. If a weekend interment option is offered, is it offered on either or both Saturday or Sunday? Why is it offered on only one day or both days?

c. Is there a difference in costs to the entity to offer and conduct weekend interments versus weekday interments (to include resources like staffing and use of buildings and grounds)? Are these costs passed on to the family in the form of higher fees or charges?

d. What do you perceive to be the advantages or disadvantages of offering weekend interment options in cemeteries and also, specifically, in VA national cemeteries?

4. If you belong to or represent veterans service organizations, or heads of agencies of State governments related to veterans affairs:

a. Have veterans or their family members in the areas you serve expressed a preference for a weekend interment option in VA national cemeteries? Did those veterans or their family members provide reasons why they would or would not prefer such an option, and if so, what were the reasons provided?

b. What do you perceive to be the advantages or disadvantages of VA offering weekend interment options in VA national cemeteries?

Paperwork Reduction Act

This request for information constitutes a general solicitation of public comments as stated in the implementing regulations of the Paperwork Reduction Act at 5 CFR 1320.3(h)(4). Therefore, this request for information does not impose information collection requirements (*i.e.* reporting, recordkeeping, or third-party disclosure requirements). Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on August 3, 2017, for publication.

Dated: August 3, 2017.

Michael Shores,

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

[FR Doc. 2017–16721 Filed 8–8–17; 8:45 am]

BILLING CODE 8320–01–P

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

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