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Contents

Federal Register

Vol. 82, No. 169

Friday, September 1, 2017

Agriculture Department
See Food Safety and Inspection Service
See Forest Service

Centers for Medicare & Medicaid Services
NOTICES
Medicare Program:
Recognition of Revised National Association of Insurance Commissioners Model Standards for Regulation of Medicare Supplemental Insurance, 41684–41823

Civil Rights Commission
NOTICES
Meetings:
Texas Advisory Committee, 41594

Coast Guard
RULES
Drawbridge Operations:
Narrow Bay, Brookhaven, NY, 41520
Willamette River at Portland, OR, 41519
Willamette River, Portland, OR, 41520
Safety Zones:
Delaware River, Philadelphia, PA, 41521–41523
NOTICES
Meetings:
National Maritime Security Advisory Committee, 41633–41634

Commerce Department
See First Responder Network Authority
See International Trade Administration
See National Oceanic and Atmospheric Administration
See National Telecommunications and Information Administration

Commodity Futures Trading Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Reparations Complaint, 41614–41615

Copyright Royalty Board
NOTICES
Distributions:
2009, 2010, and 2011 Digital Audio Recording Technology Royalty Funds for Musical Works Funds, 41663–41664

Defense Department
See Engineers Corps

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Corrective Action Plan, 41616

Energy Department
See Federal Energy Regulatory Commission
RULES
Safeguarding of Restricted Data by Access Permittees, 41503–41508
PROPOSED RULES
Small-Scale Natural Gas Exports, 41570–41577
NOTICES
Meetings:
Advanced Scientific Computing Advisory, 41617–41618
Environmental Management Site-Specific Advisory Board, Hanford, 41616–41617
Environmental Management Site-Specific Advisory Board, Nevada, 41617

Engineers Corps
NOTICES
Meetings:
Great Lakes and Mississippi River Interbasin Study: Brandon Road Draft Integrated Feasibility Study and Environmental Impact Statement, Will County, IL, 41615–41616

Environmental Protection Agency
RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Indiana; Redesignation of Indiana Portion of Cincinnati-Hamilton, OH-IN-KY Area to Attainment of 1997 Annual Standard for Fine Particulate Matter, 41527–41529
Rhode Island; Reasonably Available Control Technology got US Watercraft, LLC; Withdrawal of Direct Final Rule, 41526–41527
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
NO_X Budget Trading Program to Reduce Regional Transport of Ozone, 41620–41621
Environmental Impact Statements; Availability, etc.:
Weekly Receipts, 41621

Federal Aviation Administration
RULES
Airworthiness Directives:
General Electric Company Turbofan Engines, 41508–41511
PROPOSED RULES
Airworthiness Directives:
General Electric Company Turbofan Engines, 41577–41579
NOTICES
Petitions for Exemptions; Summaries:
Vincenzo Tassi Martins: Child Restraint System, 41675

Federal Communications Commission
RULES
First Amendment to Collocation Agreement, 41529–41530
Promoting Spectrum Access for Wireless Microphone Operations, 41549–41562
Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, 41530–41549
PROPOSED RULES
Promoting Spectrum Access for Wireless Microphone Operations, 41583–41586

Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services, 41580–41583
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 41622–41623
Meetings:
Advisory Committee, Diversity and Digital Empowerment, 41623–41624
Consumer Advisory Committee, 41621–41622

Federal Energy Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 41618–41619
Combined Filings, 41620
Termination of Delegation of Further Authority to Staff Due to Reestablishment of Quorum, 41619

First Responder Network Authority
NOTICES
Environmental Impact Statements; Availability, etc.:
Central Region of Nationwide Public Safety Broadband Network, 41594–41595

Fish and Wildlife Service
NOTICES
Endangered and Threatened Species:
Permit Applications, 41645–41646

Food and Drug Administration
NOTICES
Determinations that Products were Not Withdrawn from Sale for Reasons of Safety or Effectiveness:
NIZORAL (Ketoconazole) Tablets, 200 Milligrams, 41624
Guidance:
Electronic Study Data Submission; Data Standards; Support End Date for Study Data Tabulation Model Version 1.2, Implementation Guide Version 3.1.2, and Implementation Guide Version 3.1.2, Amendment 1, 41624–41625
Procedures for Meetings of Medical Devices Advisory Committee, 41626–41627

Food Safety and Inspection Service
RULES
Changes to the Inspection Coverage in Official Establishments That Slaughter Fish of the Order Siluriformes, 41501–41503

Foreign Assets Control Office
NOTICES
Blocking or Unblocking of Persons and Properties, 41680
Sanctions Actions, 41680–41681

Forest Service
NOTICES
Meetings:
Central Montana Resource Advisory Committee, 41588–41589, 41593–41594
Fremont and Winema Resource Advisory Committee, 41591–41592
Fresno and Madera Counties Resource Advisory Committees, 41592–41593
Ketchikan Resource Advisory Committee, 41587
Plumas County Resource Advisory Committee, 41588
Snohomish-South Mt. Baker-Snoqualmie Resource Advisory Committee, 41589–41593
West Virginia Resource Advisory Committee, 41591
Wrangell-Petersburg Resource Advisory Committee, 41589–41590
Requests for Nominations:
Forestry Research Advisory Council, 41587–41588

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration

Health Resources and Services Administration
NOTICES
National Vaccine Injury Compensation Program:
List of Petitions Received, 41627–41629

Homeland Security Department
See Coast Guard

Housing and Urban Development Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Evaluation of HUD Youth Homelessness Demonstration Project Evaluation, 41635–41637
Rent Schedule: Low Income Housing, 41634–41635
Fair Market Rents:
Fiscal Year 2018; Housing Choice Voucher Program, Moderate Rehabilitation Single Room Occupancy Program, and Other Programs; Adoption of Methodology Changes for Estimating, 41637–41645

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service
NOTICES
Meetings:
Exxon Valdez Oil Spill Public Advisory Committee, 41646–41647
Royalty Policy Committee, 41646

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Cased Pencils from the People's Republic of China, 41608–41609
Certain Uncoated Groundwood Paper from Canada, 41603–41607
Certain Uncoated Paper from Australia, Brazil, the People's Republic of China, Indonesia, and Portugal, 41610–41611
Foundry Coke Products from the People's Republic of China, 41598–41599
High Pressure Steel Cylinders from the People's Republic of China, 41607–41608
Opportunity to Request Administrative Review, 41595–41598
Determinations of Sales at Less Than Fair Value:
Certain Softwood Lumber Products from Canada, 41609–41610
Initiation of Less-Than-Fair-Value Investigations:
Certain Uncoated Groundwood Paper from Canada, 41599–41603

International Trade Commission
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Polyester Staple Fiber from China, 41654–41656
Pure Magnesium from China, 41651–41654
Investigations; Determinations, Modifications, and Rulings, etc.:
Titanium Sponge from Japan and Kazakhstan, 41656–41657
Meetings; Sunshine Act, 41651

Justice Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Dispensing Records of Individual Practitioners, 41658–41659
Proposed Consent Decrees:
CERCLA, 41657–41658

Labor Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Family and Medical Leave Act, Wave 4 Surveys, 41660–41661
Notice of Alleged Safety or Health Hazards, 41659
Notice of Recurrence, 41662–41663
Occupational Safety and Health Administration Grantee Quarterly Progress Report, 41661–41662
Underground Construction Standard, 41659–41660

Land Management Bureau
NOTICES
Environmental Impact Statements; Availability, etc.:
Proposed Greater Phoenix Project, Lander County, NV, 41647–41648
License Applications:
WYW185631, Wyoming; Coal Exploration; Invitation to Participate, 41647

Library of Congress
See Copyright Royalty Board

Maritime Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Automated Mutual Assistance Vessel Rescue System, 41676
Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery, 41676–41677
Title XI Obligation Guarantees, 41675–41676

Millennium Challenge Corporation
NOTICES
Report on Countries That Are Candidates for Millennium Challenge Account Eligibility in Fiscal Year 2018 and Countries That Would Be Candidates But For Legal Prohibitions, 41664–41666

National Endowment for the Arts
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Generic Clearance for Collection of Qualitative Feedback on Agency Service Delivery, 41666–41667

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

National Highway Traffic Safety Administration
NOTICES
Petitions for Decisions of Inconsequential Noncompliance:
Jaguar Land Rover North America, LLC, 41677–41678
Michelin North America, Inc., 41678–41680

National Institutes of Health
NOTICES
Meetings:
Center for Scientific Review, 41629
National Cancer Institute, 41630–41631
National Eye Institute, 41631
National Institute of Diabetes and Digestive and Kidney Diseases, 41629–41630
National Institute of Environmental Health Sciences, 41630
National Institute of Mental Health, 41631–41632

National Oceanic and Atmospheric Administration
RULES
Fisheries of Caribbean, Gulf of Mexico, and South Atlantic:
Atlantic Migratory Group Cobia; Commercial Accountability Measures and Closure, 41563–41564
Fisheries of Exclusive Economic Zone Off Alaska:
Inseason Adjustment to 2017 Gulf of Alaska Pollock Seasonal Apportionments, 41567–41568
Fisheries of Exclusive Economic Zone off Alaska:
Pacific Ocean Perch in Central Regulatory Area of Gulf of Alaska, 41568–41569
Fisheries of Northeastern United States:
Magnuson-Stevens Fishery Conservation and Management Act Provisions; Northeast Groundfish Fishery; Fishing Year 2017; Emergency Removal of Southern Windowpane Accountability Measures, 41564–41567
International Fisheries:
Pacific Tuna Fisheries; 2017 Bigeye Tuna Longline Fishery Closure in Eastern Pacific Ocean, 41562–41563
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 41611–41613
Meetings:
Fisheries of the South Atlantic; South Atlantic Fishery Management Council, 41613
New England Fishery Management Council, 41611
North Pacific Fishery Management Council, 41612–41614

National Park Service
NOTICES
National Register of Historic Places:
Pending Nominations and Related Actions, 41648–41651

National Science Foundation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 41667–41669

National Telecommunications and Information Administration
NOTICES
Environmental Impact Statements; Availability, etc.:
Central Region of Nationwide Public Safety Broadband Network, 41594–41595

Nuclear Regulatory Commission
NOTICES
Meetings:
Advisory Committee on Reactor Safeguards, 41669–41670

Securities and Exchange Commission
NOTICES
Self-Regulatory Organizations; Proposed Rule Changes:
Financial Industry Regulatory Authority, Inc., 41670–41673

Small Business Administration
NOTICES
Disaster Declarations:
Texas, 41673

State Justice Institute
NOTICES
Meetings:
Board of Directors, 41674

Substance Abuse and Mental Health Services Administration

NOTICES
List of Certified Laboratories and Instrumented Initial Testing Facilities that Meet Minimum Standards to Engage in Urine Drug Testing for Federal Agencies, 41632–41633

Surface Transportation Board
NOTICES
Continuances in Control; Exemptions:
Savage Services Corp.; Savage Davenport Railroad Co., 41674–41675
Lease and Operation Exemptions:
Savage Davenport Railroad Co.; Davenport, IA, 41674

Tennessee Valley Authority
RULES
Freedom of Information Act, 41511–41519

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

Treasury Department
See Foreign Assets Control Office

Veterans Affairs Department
RULES
Supportive Services for Veteran Families Program, 41523–41526
PROPOSED RULES
VA Veteran-Owned Small Business Verification Guidelines, 41579–41580
NOTICES
Enhanced-Use Leases of Real Property:
Brecksville, OH, 41681–41682
Meetings:
Advisory Committee on Women Veterans, 41681

Separate Parts In This Issue

Part II
Health and Human Services Department, Centers for Medicare & Medicaid Services, 41684–41823

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

9 CFR
300.....41501
441.....41501
530.....41501
531.....41501
532.....41501
533.....41501
534.....41501
537.....41501
539.....41501
540.....41501
541.....41501
544.....41501
548.....41501
550.....41501
552.....41501
555.....41501
557.....41501
559.....41501
560.....41501
561.....41501

10 CFR
1016.....41503

Proposed Rules:
590.....41570

14 CFR
39.....41508

Proposed Rules:
39.....41577

18 CFR
1301.....41511

33 CFR
117 (3 documents) 41519, 41520
165.....41521

38 CFR
62.....41523

Proposed Rules:
74.....41579

40 CFR
52 (2 documents) 41526, 41527
81.....41527

47 CFR
1 (2 documents) 41529, 41530
2.....41549
15.....41549
22.....41530
24.....41530
27.....41530
30.....41530
74 (2 documents) 41530, 41549
80.....41530
87.....41549
90 (2 documents) 41530, 41549
95.....41530
101.....41530

Proposed Rules:
1.....41580
22.....41580
24.....41580
27.....41580
30.....41580
74 (2 documents) 41580, 41583
80.....41580
90.....41580
95.....41580
101.....41580

50 CFR
300.....41562
622.....41563
648.....41564
679 (2 documents) 41567, 41568

Rules and Regulations

Federal Register
Vol. 82, No. 169
Friday, September 1, 2017

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

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 300, 441, 530, 531, 532, 533, 534, 537, 539, 540, 541, 544, 548, 550, 552, 555, 557, 559, 560, and 561

[Docket No. FSIS–2017–0003]

Changes to the Inspection Coverage in Official Establishments That Slaughter Fish of the Order Siluriformes

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Response to comments; confirmation of implementation date.

SUMMARY: The Food Safety and Inspection Service (FSIS) is confirming that on September 1, 2017, it will adjust inspection coverage at official establishments that slaughter fish of the order Siluriformes from all hours of operation to once per production shift. FSIS also is responding to comments received on the May 17, 2017 **Federal Register** document that announced these changes.

DATES: FSIS will adjust inspection coverage at official establishments that slaughter Siluriformes fish from all hours of operation to once per production shift, beginning September 1, 2017.

FOR FURTHER INFORMATION CONTACT: Rachel Edelstein, Deputy Assistant Administrator, Office of Policy and Program Development; Telephone: (202) 205–0495, or by Fax: (202) 720–2025.

Background

On December 2, 2015, FSIS amended its regulations by publishing the final rule, ''Mandatory Inspection of Fish of the Order Siluriformes and Products Derived from Such Fish'' (80 FR 75590). Fish of the order Siluriformes include, but are not limited to, ''catfish'' (fish of the family Ictaluridae) and ''basa'' and ''swai'' (fish of the family Pangasiidae). For convenience, this notice will use ''fish'' to mean all fish of the order Siluriformes.

Specifically, the final rule established regulations to implement the provisions of the 2008 and 2014 Farm Bills, which amended the Federal Meat Inspection Act (FMIA) to include fish as amenable and to provide for their inspection by FSIS. In the preamble to the final rule, FSIS stated that during an 18-month transitional period, it would assign inspection program personnel to be present during all hours of operation at domestic establishments that slaughter fish and, at the start of the period, assign inspection program personnel to conduct inspection at processing-only facilities at least quarterly. FSIS also stated that it might adjust inspection frequency in fish slaughter establishments in the future and, that at the end of the 18-month transitional period, inspection program personnel would be assigned at least once per day per shift at processing-only establishments (80 FR 75606).

On May 17, 2017, FSIS announced and requested comment on its decision to adjust inspection coverage at fish slaughter establishments, starting September 1, 2017, from all hours of operation to once per production shift (82 FR 22609). This decision was based on the Agency's experience inspecting official fish slaughter establishments since implementing the mandatory inspection program on March 1, 2016. FSIS found that the typical fish slaughter operation is a streamlined, automated process that combines slaughter with processing in the same continuous operation, more like meat processing-only operations than like slaughter operations for other species amenable to the FMIA.

A consumer advocacy organization requested that FSIS extend the comment period by 30 days, so as to make informed comments. FSIS agreed and on June 16, 2017, extended the comment period until July 17, 2017 (82 FR 27680). At the conclusion of the comment period, FSIS had received eight comments. After reviewing these comments, FSIS is affirming its plan to adjust inspection coverage at official fish slaughter establishments from all hours of operation to once per production shift, beginning September 1, 2017. Issues raised by the comments received and FSIS's responses follow.

Comments and FSIS Responses

FSIS received eight comments in response to its announced plans to adjust inspection coverage at official fish slaughter establishments. The comments were from two trade associations, one fish establishment, two FSIS inspectors, two consumer advocacy organizations and a foreign government. Four of the comments supported the change, agreeing that establishments that slaughter fish are most similar in operation and design to meat processing-only establishments and, therefore, should be inspected like a meat processing-only establishment, as opposed to meat slaughter establishments, *i.e.,* once per production shift.

The comment from the foreign government agreed with the rationale for the proposed change, but advocated for even less frequent inspection of fish, owing to its position that fish products pose little risk to the public health. As stated above, amendments to the FMIA in 2008 and 2014 directed FSIS to inspect the preparation of fish and fish products. USDA has historically interpreted the requirements in the FMIA for inspection of meat processing to mandate inspection at least once per production shift. Because FSIS has determined that operations in fish slaughter establishments are more like those in meat processing-only establishments, it is requiring inspection at a frequency of once per production shift there, as well.

Several of the supportive comments expressed concern that the adjustment in inspection frequency would affect an establishment's approved hours of operation (typically 8-hour shifts) and charges for inspection services outside these hours. It will not. The regulations at 9 CFR 307.4 through 307.6, and associated FSIS policies, regarding the provision of inspection services, would continue to apply to fish establishments. Official fish establishments should coordinate with their District Office to determine hours of operation and for clarification on what activities require inspection.

Comments from the two consumer advocacy organizations and from an FSIS inspector opposed the change. One of the consumer advocacy organizations questioned the Agency's implementation of inspection under 21 U.S.C. 606, for both fish and other meat

products, as allowing for inspection once per shift. This commenter further opined that Congress, in fact, intended for FSIS to ''apply a greater care in inspecting catfish than with other meat food products,'' because of the addition of paragraph (b) under this section, which directs USDA to consider the conditions under which fish is raised and transported.

FSIS disagrees. A narrow interpretation of the language in 21 U.S.C. 606, requiring that each unit of meat product be individually inspected by FSIS before movement in commerce, would create enormous costs without significantly increasing the effectiveness of inspection. USDA has never interpreted this language so narrowly in administration of the FMIA at meat processing-only establishments. In regard to the new section 21 U.S.C. 606(b), FSIS has determined that this section grants the Agency authority to conduct verification activities regarding the raising or transport of fish, but does not address the frequency of inspection or verification activities regarding the preparation of fish. Again, FSIS believes that the risks associated with fish slaughter are more closely aligned with meat processing, as further confirmed by explicit Congressional exemption of fish from the ante-mortem and post-mortem inspection provisions of the FMIA.

When FSIS inspection program personnel visit meat processing-only establishments, they systematically verify compliance with the regulatory requirements. Inspectors routinely check the cleanliness of equipment and facilities, wholesomeness of incoming source materials, processing procedures, Hazard Analysis and Critical Control Point (HACCP) records, product labels, as well as other things. In addition, they submit samples for analysis, as directed in FSIS's Public Health Information System. FSIS inspection program personnel assigned to official fish establishments will be instructed to follow the same procedures. Therefore, we believe this approach will provide a high level of assurance that the fish products are safe, wholesome, and properly packaged and labeled, and that the public health will continue to be effectively protected by the change in inspection coverage.

Both comments from consumer advocacy organizations raise concerns about the effect of the adjustment in inspection frequency on the Agency's programs to ensure the safety of imported fish and fish products. One comment contends that FSIS has not considered the conditions under which imported fish have been raised or transported. The other comment cites the number of shipments of foreign fish and fish products rejected by FSIS for import or recalled from commerce, because of violative residues found through FSIS testing, as evidence that foreign fish production, processing and inspection systems are inadequate. The commenter suggests that inspection during all hours of operation should be required for foreign slaughter and processing of fish intended for import to the United States.

FSIS does consider the conditions under which imported fish are raised and transported through both the equivalence process and its testing of imported fish and fish products. When applying to export fish and fish products to the United States, a foreign country's Central Competent Authority (CCA) must demonstrate to FSIS that it ensures fish for export are raised and transported under conditions that prevent product adulteration. For example, the CCA must provide information regarding how it ensures that fish are not grown or farmed under conditions that would cause them to be adulterated; details of its sampling of feed, fish or the body of water from which the fish are harvested; and information on its program for ensuring that fish are transported under sanitary conditions from harvest to processing establishments. A foreign country's inspection program cannot be deemed equivalent unless the CCA demonstrates that it prevents the adulteration of fish during raising and transport.

Additionally, FSIS tests fish and fish products collected during reinspection for chemical residues, *Salmonella,* and speciation. In regard to chemical residues, FSIS tests imported fish for veterinary drug residues, including nitrofurans and some fluoroquinolones; malachite green; gentian violet; metals and pesticides. This testing serves to verify that imported fish were raised under conditions to prevent product adulteration and keeps adulterated fish and fish products out of United States commerce.

In regard to inspection frequency for imported fish and fish products, the FMIA and the regulations specifically require that imported products be held to the same standards as domestic products. The FMIA at 21 U.S.C. 620 requires that no product may be imported into the United States unless it complies with all applicable provisions of the FMIA and the regulations issued thereunder. The fish import regulations at 9 CFR 557.3 specifically require that no fish or fish product offered for importation from any foreign country shall be admitted into the United States if it is adulterated or misbranded or does not comply with all the requirements that would apply to it if it were a domestic product.

Therefore, because FSIS will require government inspection of fish preparation at least once per production shift, to be determined equivalent, a foreign country's fish inspection system must also provide government inspection at least once per production shift. FSIS sees no basis to impose inspection requirements for imported fish that are in addition to those applied to domestic fish. Food safety issues with imported fish can be addressed through import reinspection, enforcement and the equivalence process.

Finally, one inspector opposed the change in inspection frequency at fish slaughter establishments, expressing concern that the change would result in increased workloads for inspectors that are currently assigned to these establishments. FSIS disagrees. The change in inspection frequency will simply place establishments that slaughter fish into ''patrol assignments'' including other meat and poultry processing establishments. The inspection workload for affected inspectors will be no different than the workload associated with current patrol assignments of processing establishments.

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Done at Washington, DC on: August 29, 2017.

Paul Kiecker,

Acting Administrator.

[FR Doc. 2017–18591 Filed 8–31–17; 8:45 am]

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DEPARTMENT OF ENERGY

10 CFR Part 1016

[Docket No. DOE–HQ–2015–0029–0001]

RIN 1992–AA46

Safeguarding of Restricted Data by Access Permittees

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE or Department) has revised its regulations governing the standards for safeguarding Restricted Data by access permittees. The previous version of this regulation was promulgated in 1983. Since 1983, changes in organizations, terminology, and DOE and national policies rendered portions of the previous regulation outdated. This version updates existing requirements.

DATES: This rule is effective October 2, 2017.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Ruhnow, Office of Security Policy at (301) 903–2661; *Security.Directives@hq.doe.gov*.

SUPPLEMENTARY INFORMATION:

I. Background
II. Section by Section Analysis
III. Regulatory Review and Procedural Requirements
A. Review Under Executive Order 12866
B. Review Under the Regulatory Flexibility Act
C. Review Under Paperwork Reduction Act
D. Review Under the National Environmental Policy Act
E. Review Under Executive Order 13132
F. Review Under Executive Order 12988
G. Review Under the Unfunded Mandates Reform Act of 1995
H. Review Under Executive Order 13211
I. Review Under the Treasury and General Government Appropriations Act of 1999
J. Congressional Notification
K. Approval by the Office of the Secretary

I. Background

The U.S. Department of Energy may issue an access permit to any person, as set forth in 10 CFR part 725, who requires access to Restricted Data applicable to civil uses of atomic energy for use in his/her business, trade or profession. 10 CFR part 725 specifies the terms and conditions under which the Department will issue an access permit and provides for the amendment, renewal, suspension, termination and revocation of an access permit.

The regulations in 10 CFR part 1016 establish requirements for the safeguarding of Secret and Confidential Restricted Data received or developed under an access permit. This part does not apply to Top Secret information because no such information may be provided to an access permittee within the scope of this regulation. The regulations in this part apply to all persons who may require access to Restricted Data used, processed, stored, reproduced, transmitted, or handled in connection with an access permit.

The original regulations for the safeguarding of Restricted Data were Atomic Energy Commission regulations that were transferred to the Energy Research and Development Administration (ERDA) upon its formation in 1974 (Energy Reorganization Act of 1974; Pub. L. 93–438). The regulations were subsequently revised to conform to ERDA's organization (41 FR 56775, 41 FR 56785–56788, Dec. 30, 1976). The regulations were updated and transferred from 10 CFR part 795 to 10 CFR part 1016 in Aug. 10, 1983 (48 FR 36432). DOE has developed this version of 10 CFR part 1016 to reflect organizational, terminology and policy changes that have occurred since the regulations were last revised.

DOE proposed changes to the regulations at 10 CFR part 1016 on November 16, 2016 (81 FR 80612). No comments were received. No changes were made to the proposed regulations except to modify the definition of an ''L'' access authorization in § 1016.3, Definitions.

II. Section by Section Analysis

With the exception of the definition of an ''L'' access authorization in § 1016.3, Definitions, the modifications to 10 CFR part 1016 adopted in this final rule are described in the Section by Section Analysis in section II of DOE's notice of proposed rulemaking published on November 16, 2016 (81 FR 80612). In § 1016.3, Definitions, the definition of ''L'' access authorization was modified from DOE's proposed changes to update the type of background investigation required by DOE and national level directives. The reference to National Agency Checks with Local Agency Checks and Credit Check background investigation has been replaced with a Tier III background investigation.

III. Rulemaking Requirements

A. Review Under Executive Order 12866

This action does not constitute a ''significant regulatory action'' as defined in section 3(f) of Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735).

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of a regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking'' (67 FR 53461, Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. DOE has made its procedures and policies available on the Office of the General Counsel's Web site (*www.gc.doe.gov*).

DOE has reviewed this rule under the Regulatory Flexibility Act and certifies that, as adopted, the rule would not have a significant impact on a substantial number of small entities.

This action amends an existing rule which establishes safeguarding of Restricted Data by persons granted an Access Permit according to 10 CFR part 725. The rule would only apply to Access Permittees, of which there are historically very few (*e.g.,* between zero and five), and the changes are administrative changes (such as renumbering of several parts and changing office names to reflect a recent reorganization), updates to enable consistency with current policies and practices, and clarification of requirements.

Because these standards and requirements consist of clarifications and updates to existing standards and requirements, DOE does not expect that the impact on any Access Permittees would be significant. DOE sought comment on its estimate of the number of small entities and the expected effects of this rule and received no comments.

For the above reasons, DOE certifies that the rule, as adopted, will not have a significant economic impact on a substantial number of small entities.

C. Review Under Paperwork Reduction Act

This rule does not contain a collection of information subject to OMB approval under the Paperwork Reduction Act.

D. Review Under the National Environmental Policy Act

This rule amends existing policies and procedures establishing safeguarding of Restricted Data standards and requirements for Access Permittees and has no significant environmental impact. Consequently, the Department has determined that this rule is covered under Categorical Exclusion A–5, of appendix A to subpart D, 10 CFR part 1021, which applies to a rulemaking that addresses amending an existing rule or regulation that does not change the environmental effect of the rule or regulation being amended. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' (64 FR 43255, August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to develop a formal process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have ''federalism implications.'' Policies that have federalism implications are defined in the Executive Order to include regulations that 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.'' On March 7, 2011, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations (65 FR 13735, March 14, 2000).

DOE has examined this rule and has determined that it does 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. No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Section 3 of Executive Order 12988, (61 FR 4729, February 7, 1996), instructs each agency to adhere to certain requirements in promulgating new regulations. These requirements, set forth in section 3(a) and (b), include eliminating drafting errors and needless ambiguity, drafting the regulations to minimize litigation, providing clear and certain legal standards for affected legal conduct, and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that the regulation describes any administrative proceeding to be available prior to judicial review and any provisions for the exhaustion of administrative remedies. The Department has determined that this regulatory action meets the requirements of section 3(a) and (b) of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) requires each Federal agency to assess the effects of Federal regulatory action on state, local and tribal governments and the private sector. For regulatory actions likely to result in a rule that may cause expenditures by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish estimates of the resulting costs, benefits, and other effects on the national economy. UMRA also requires Federal agencies to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate.'' In addition, UMRA requires an agency plan for giving notice and opportunity for timely input to small governments that may be affected before establishing a requirement that might significantly or uniquely affect them. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA (62 FR 12820, March 18, 1997). (This policy is also available at *http://www.gc.doe.gov*.) This rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' (66 FR 28355, May 22, 2001) requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to the promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternates to the action and their expected benefits on energy supply, distribution, and use.

This rule is not a significant energy action, nor has it been designated as such by the Administrator of OIRA. Accordingly, DOE has not prepared a Statement of Energy Effects.

I. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule or policy that may affect family well-being. This rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it

is not necessary to prepare a Family Policymaking Assessment.

J. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule before its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

K. Approval by the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

List of Subjects in 10 CFR Part 1016

Classified information, Nuclear energy, Reporting and recordkeeping requirements, Security measures.

Issued in Washington, DC, on August 15, 2017.

Andrew C. Lawrence,

Acting Associate Under Secretary for Environment, Health, Safety and Security.

For the reasons set out in the preamble, DOE amends part 1016 of title 10 of the Code of Federal Regulations as set forth below:

PART 1016—SAFEGUARDING OF RESTRICTED DATA BY ACCESS PERMITTEES

■ 1. The authority citation for part 1016 continues to read as follows:

Authority: Sec. 161.i. of the Atomic Energy Act of 1954, 68 Stat. 948 (42 U.S.C. 2201).

■ 2. The part heading for part 1016 is revised to read as set forth above.

■ 3. Section 1016.3 is amended by:

■ a. Revising paragraph (a).

■ b. Removing paragraph (c).

■ c. Redesignating paragraphs (d) and (e) as paragraphs (c) and (d), respectively.

■ d. Revising newly designated paragraphs (c) and (d).

■ e. Redesignating paragraphs (f) and (g) as paragraphs (e) and (f), respectively.

■ f. Removing paragraph (h).

■ g. Redesignating paragraphs (i) through (k) as paragraphs (g) through (i), respectively.

■ h. Revising newly designated paragraphs (h) and (i).

■ i. Removing paragraphs (l) and (m).

■ j. Redesignating paragraphs (n) through (z) as paragraphs (j) through (v), respectively.

■ k. Revising newly designated paragraphs (k) and (u).

The revisions read as follows:

§ 1016.3 Definitions.

(a) *Access authorization.* An administrative determination by DOE that an individual who is either a DOE employee, applicant for employment, consultant, assignee, other Federal department or agency employee (or other persons who may be designated by the Secretary of Energy), or a DOE contractor or subcontractor employee, or an access permittee is eligible for access to Restricted Data. Access authorizations granted by DOE are designated as ''Q,'' ''Q(X),'' ''L,'' or ''L(X).''

(1) ''Q'' access authorizations are based upon single scope background investigations as set forth in applicable DOE and national-level directives. They permit an individual who has ''need to know'' access to Top Secret, Secret and Confidential Restricted Data, Formerly Restricted Data, National Security Information, or special nuclear material in Category I or II quantities as required in the performance of duties, subject to additional determination that permitting this access will not endanger the common defense or national security of the United States. There may be additional requirements for access to specific types of RD information.

(2) ''Q(X)'' access authorizations are based upon the same level of investigation required for a Q access authorization. When ''Q'' access authorizations are granted to access permittees they are identified as ''Q(X)'' access authorizations and, as need-to-know applies, authorize access only to the type of Secret Restricted Data as specified in the permit and consistent with appendix A, 10 CFR part 725, ''Categories of Restricted Data Available.''

(3) ''L'' access authorizations are based upon a Tier III (formerly National Agency Check with Local Agency Checks and Credit Checks (NACLC)/ Access National Agency Check with Inquiries (ANACI)) background investigation as set forth in applicable national-level directives. They permit an individual who has ''need to know'' access to Confidential Restricted Data, Secret and Confidential Formerly Restricted Data, or Secret and Confidential National Security Information, required in the performance of duties, provided such information is not designated ''CRYPTO'' (classified cryptographic information), ''COMSEC'' (communications security), or intelligence information and subject to additional determination that permitting this access will not endanger the common defense or national security of the United States. There may be additional requirements for access to specific types of RD information.

(4) ''L(X)'' access authorizations are based upon the same level of investigation required for an ''L'' access authorization. When ''L'' access authorizations are granted to access permittees, they are identified as ''L(X)'' access authorizations and, as need to know applies, authorize access only to the type of Confidential Restricted Data as specified in the permit and consistent with appendix A, 10 CFR part 725, ''Categories of Restricted Data Available.''

* * * * *

(c) *Classified mail address.* A mail address established for each access permittee and approved by the DOE to be used when sending Restricted Data to the permittee.

(d) *Classified matter.* Anything in physical form (including, but not limited to documents and material) that contains or reveals classified information.

* * * * *

(h) *Infraction.* An act or omission involving failure to comply with DOE safeguards and security orders, directives, or approvals and may include a violation of law.

(i) *Intrusion detection system.* A security system consisting of sensors capable of detecting one or more types of phenomena, signal media, annunciators, energy sources, alarm assessment systems, and alarm reporting elements including alarm communications and information display equipment.

* * * * *

(k) *National Security Information.* Information that has been determined pursuant to Executive Order 13526, as amended ''Classified National Security Information'' or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

* * * * *

(u) *Security Plan.* A written plan by the access permittee, and submitted to the DOE for approval, which outlines the permittee's proposed security procedures and controls for the protection of Restricted Data and which includes a floor plan of the area in which the classified matter is to be used, processed, stored, reproduced, transmitted, or handled.

* * * * *

■ 4. Section 1016.4 is revised to read as follows:

§ 1016.4 Communications.

Communications concerning rulemaking, *i.e.,* petition to change this part, should be addressed to the Associate Under Secretary, Office of Environment, Health, Safety and

Security, AU–1/Forrestal Building, Office of Environment, Health, Safety and Security, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. All other communications concerning the regulations in this part should be addressed to the cognizant DOE or National Nuclear Security Administration (NNSA) office.

■ 5. Section 1016.5 is revised to read as follows:

§ 1016.5 Submission of procedures by access permit holder.

No access permit holder shall have access to Restricted Data until he has submitted to the DOE a written statement of his procedures for the safeguarding of Restricted Data and for the security education of his employees, and DOE shall have determined and informed the permittee that his procedures for the safeguarding of Restricted Data are in compliance with the regulations in this part and that his procedures for the security education of his employees, who will have access to Restricted Data, are informed about and understand the regulations in this part. These procedures must ensure that employees with access to Restricted Data are informed about and understand who is authorized or required to classify and declassify RD and FRD information and classified matter as well as how documents containing RD or FRD are marked (see 10 CFR part 1045) and safeguarded.

■ 6. The heading for § 1016.8 is revised to read as follows:

§ 1016.8 Request for security facility approval.

* * * * *

■ 7. Section 1016.9 is revised to read as follows:

§ 1016.9 Processing security facility approval.

Following receipt of an acceptable request for security facility approval, the DOE will perform an initial security survey of the permittee's facility to determine that granting a security facility approval would be consistent with the national security. If DOE makes such a determination, security facility approval will be granted. If not, security facility approval will be withheld pending compliance with the security survey recommendations or until a waiver is granted pursuant to § 1016.6.

■ 8. Section 1016.10 is revised to read as follows:

§ 1016.10 Granting, denial, or suspension of security facility approval.

Notification of the DOE's granting, denial, or suspension of security facility approval will be furnished the permittee in writing, or orally with written confirmation. This information may also be furnished to representatives of the DOE, DOE contractors, or other Federal agencies having a need to transmit Restricted Data to the permittee.

■ 9. Section 1016.11 is revised to read as follows:

§ 1016.11 Cancellation of requests for security facility approval.

When a request for security facility approval is to be withdrawn or cancelled, the cognizant DOE Office will be notified by the requester immediately by telephone and confirmed in writing so that processing of this approval may be terminated.

■ 10. Section 1016.12 is revised to read as follows:

§ 1016.12 Termination of security facility approval.

(a) Security facility approval will be terminated when:

(1) There is no longer a need to use, process, store, reproduce, transmit, or handle Restricted Data at the facility; or

(2) The DOE makes a determination that continued security facility approval is not in the interest of common defense and security.

(b) The permittee will be notified in writing of a determination to terminate facility approval, and the procedures outlined in § 1016.27 will apply.

§§ 1016.21 through 1016.23 [Redesignated as §§ 1016.13 through 1016.15 and Amended]

■ 11. Sections 1016.21 through 1016.23 are redesignated as §§ 1016.13 through 1016.15 and newly redesignated §§ 1016.13 through 1016.15 are revised to read as follows:

§ 1016.13 Protection of Restricted Data in storage.

(a) Persons who possess Restricted Data pursuant to an Access Permit shall store the Restricted Data classified matter when not in use in a locked storage container or DOE-approved vault to which only persons with appropriate access authorization and a need to know the information contained have access. Storage containers used for storing classified matter must conform to U.S. General Services Administration (GSA) standards and specifications.

(b) Each permittee shall change the combination on locks of his safekeeping equipment whenever such equipment is placed in use, whenever an individual knowing the combination no longer requires access to the repository as a result of change in duties or position in the permittee's organization, or termination of employment with the permittee or whenever the combination has been subjected to compromise, and in any event at least once a year. Permittees shall classify records of combinations no lower than the highest classification of the classified matter authorized for storage in the safekeeping equipment concerned.

§ 1016.14 Protection of Restricted Data while in use.

While in use, classified matter containing Restricted Data shall be under the direct control of a person with the appropriate access authorization and need to know. Unauthorized access to the Restricted Data shall be precluded.

§ 1016.15 Establishment of security areas.

(a) When, because of their nature or size, it is impracticable to safeguard classified matter containing Restricted Data in accordance with the provisions of §§ 1016.13 and 1016.14, a security area to protect such classified matter shall be established.

(b) The following controls shall apply to security areas:

(1) Security areas shall be separated from adjacent areas by a physical barrier designed to prevent entrance into such areas, and access to the Restricted Data within the areas, by unauthorized individuals.

(2) During working hours, admittance shall be controlled by an appropriately cleared individual posted at each unlocked entrance.

(3) During nonworking hours, admittance shall be controlled by protective personnel on patrol, with protective personnel posted at unlocked entrances, or by such intrusion detection system as DOE approves.

(4) Each individual authorized to enter a security area shall be issued a distinctive badge or pass when the number of employees assigned to the area exceeds thirty.

§ 1016.24 [Redesignated as § 1016.16]

■ 12. Section 1016.24 is redesignated as § 1016.16.

§ 1016.25 [Redesignated as § 1016.17 and Amended]

■ 13. Section 1016.25 is redesignated as § 1016.17 and newly redesignated § 1016.17 is revised to read as follows:

§ 1016.17 Protective personnel.

Whenever armed protective personnel are required in accordance with § 1016.15, such protective personnel shall:

(a) Possess a ''Q'' or ''L'' access authorization or ''Q(X)'' or ''L(X)'' access authorization if the Restricted Data being protected is classified Confidential, or a ''Q'' access authorization or ''Q(X)'' access authorization if the Restricted Data being protected is classified Secret.

(b) Be armed with sidearms of 9mm or greater.

§§ 1016.31 through 1016.34 [Redesignated as §§ 1016.18 through 1016.21 and Amended]

■ 14. Sections 1016.31 through 1016.34 are redesignated as §§ 1016.18 through 1016.21 and newly redesignated §§ 1016.18 through 1016.21 are revised to read as follows:

§ 1016.18 Access to Restricted Data.

(a) Except as DOE may authorize, no person subject to the regulations in this part shall permit any individual to have access to Restricted Data in his possession unless the individual has an appropriate access authorization granted by DOE, or has been certified by DOD or NASA through DOE; and

(1) The individual is authorized by an Access Permit to receive Restricted Data in the categories involved and the permittee determines that such access is required in the course of his duties; or

(2) The individual needs such access in connection with such duties as a DOE employee or DOE contractor employee, or as certified by DOD or NASA.

(b) Inquiries concerning the access authorization status of individuals, the scope of Access Permits, or the nature of contracts should be addressed to the cognizant DOE or NNSA office.

§ 1016.19 Review, classification and marking of classified information.

(a) *Classification.* Restricted Data generated or possessed by an Access Permit holder must be appropriately classified and marked in accordance with 10 CFR part 1045. CG–DAR–2, ''Guide to the Declassified Areas of Nuclear Energy Research U 08/98,'' will be furnished each permittee. In the event a permittee originates classified information which falls within the definition of Restricted Data or information for which the permittee is not positive that the information is outside of that definition and CG–DAR–2 does not provide positive classification guidance for such information, the permittee shall designate the information as Confidential, Restricted Data and request classification guidance from the DOE through the Classification Officer at the cognizant DOE or NNSA office. If the DOE Classification Officer does not have authority to provide the guidance, he will refer the request to the Director, Office of Classification, AU–60/ Germantown Building, Office of Environment, Health, Safety and Security, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–1290.

(b) *Challenges.* If a person receives a document or other classified matter which, in his opinion, is not properly classified, or omits the appropriate classification markings, he is encouraged to challenge the classification and there shall be no retribution for submitting a challenge. Challenges shall be submitted in accordance with 10 CFR part 1045.

(c) *Classification markings.* Restricted Data generated or possessed by an individual approved for access must be appropriately identified and marked in accordance with 10 CFR part 1045, Nuclear Classification and Declassification. Questions and requests for additional direction or guidance regarding the marking of classified matter may be submitted to the Director, Office of Classification, AU–60/ Germantown Building, Office of Environment, Health, Safety and Security, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–1290.

§ 1016.20 External transmission of Restricted Data.

(a) *Restrictions.* (1) Restricted Data shall be transmitted only to persons who possess appropriate access authorization, need to know, and are otherwise eligible for access under the requirements of § 1016.18.

(2) In addition, such classified matter containing Restricted Data shall be transmitted only to persons who possess approved facilities for their physical security consistent with this part. Any person subject to the regulations in this part who transmits such Restricted Data containing Restricted Data shall be deemed to have fulfilled his obligations under this paragraph (a)(2) by securing a written certification from the prospective recipient that such recipient possesses facilities for its physical security consistent with this part.

(3) Restricted Data shall not be exported from the United States without prior authorization from DOE.

(b) *Preparation of documents.* Documents containing Restricted Data shall be prepared for transmission outside an individual installation in accordance with the following:

(1) They shall be enclosed in two sealed, opaque envelopes or wrappers.

(2) The inner envelope or wrapper shall be addressed in the ordinary manner and sealed with tape, the appropriate classification shall be marked on both sides of the envelope, and any additional marking required by 10 CFR part 1045 shall be applied.

(3) The outer envelope or wrapper shall be addressed in the ordinary manner. No classification, additional marking, or other notation shall be affixed which indicates that the document enclosed therein contains classified information or Restricted Data.

(4) A receipt which identifies the document, the date of transfer, the recipient, and the person transferring the document shall accompany the document and shall be signed by the recipient and returned to the sender whenever the custody of a document containing Secret Restricted Data is transferred.

(c) *Preparation of other classified matter.* Classified matter, other than documents, containing Restricted Data shall be prepared for shipment outside an individual installation in accordance with the following:

(1) The classified matter shall be so packaged that the classified characteristics will not be revealed.

(2) A receipt which identifies the classified matter, the date of shipment, the recipient, and the person transferring the classified matter shall accompany the classified matter, and the recipient shall sign such receipt whenever the custody of classified matter containing Secret Restricted Data is transferred.

(d) *Methods of transportation.* (1) Secret classified matter shall be transported only by one of the following methods:

(i) By messenger-courier system specifically created for that purpose and approved for use by DOE.

(ii) Registered mail.

(iii) By protective services provided by United States air or surface commercial carriers under such conditions as may be preserved by the DOE.

(iv) Individuals possessing appropriate DOE access authorization who have been given written authority by their employers.

(2) Confidential classified matter may be transported by one of the methods set forth in paragraph (d)(1) of this section or by U.S. first class, express, or certified mail.

(e) *Telecommunication of classified information.* There shall be no telecommunication of Restricted Data unless the secure telecommunication system has been approved by the DOE.

§ 1016.21 Accountability for Secret Restricted Data.

Each permittee possessing classified matter (including classified matter in electronic format) containing Secret Restricted Data shall establish accountability procedures and shall maintain logs to document access to and record comprehensive disposition information for all such classified matter that has been in his custody at any time.

§ 1016.35 [Redesignated as § 1016.22]

■ 15. Section 1016.35 is redesignated as § 1016.22.

§§ 1016.36 and 1016.37 [Redesignated as §§ 1016.23 and 1016.24 and Amended]

■ 16. Sections 1016.36 and 1016.37 are redesignated as §§ 1016.23 and 1016.24 and newly redesignated §§ 1016.23 and 1016.24 are revised to read as follows:

§ 1016.23 Changes in classification.

Classified matter containing Restricted Data shall not be downgraded or declassified except as authorized by DOE and in accordance with 10 CFR part 1045.

§ 1016.24 Destruction of classified matter containing Restricted Data.

Documents containing Restricted Data may be destroyed by burning, pulping, or another method that assures complete destruction of the information which they contain. Restricted Data contained in classified matter, other than documents, may be destroyed only by a method that assures complete obliteration, removal, or destruction of the Restricted Data.

■ 17. Add § 1016.25 to read as follows:

§ 1016.25 Storage, use, processing, transmission and destruction of classified information on computers, computer networks, electronic devices/media and mobile devices.

Storage, use, processing, and transmission of Restricted Data on computers, computer networks, electronic devices/media and mobile devices must be approved by DOE. DOE-approved methods must be used when destroying classified information that is in electronic format.

§ 1016.38 [Redesignated as § 1016.26]

■ 18. Section 1016.38 is redesignated as § 1016.26.

§ 1016.39 [Redesignated as § 1016.27 and Amended]

■ 19. Section 1016.39 is redesignated as § 1016.27 and newly redesignated § 1016.27 is revised to read as follows:

§ 1016.27 Termination, suspension, or revocation of security facility approval.

(a) In accordance with § 1016.12, if the need to use, process, store, reproduce, transmit, or handle classified matter no longer exists, the security facility approval will be terminated. The permittee may deliver all Restricted Data to the DOE or to a person authorized to receive them; or the permittee may destroy all such Restricted Data. In either case, the facility must submit a certification of non-possession of Restricted Data to the DOE.

(b) In any instance where security facility approval has been suspended or revoked based on a determination of the DOE that further possession of classified matter by the permittee would endanger the common defense and national security, the permittee shall, upon notice from the DOE, immediately deliver all Restricted Data to the DOE along with a certificate of non-possession of Restricted Data.

§§ 1016.40 through 1016.42 [Redesignated as §§ 1016.28 through 1016.30]

■ 20. §§ 1016.40 through 1016.42 are redesignated as §§ 1016.28 through 1016.30.

§ 1016.43 [Redesignated as § 1016.31 and Amended]

■ 21. Section 1016.43 is redesignated as § 1016.31 and newly redesignated § 1016.31 is revised to read as follows:

§ 1016.31 Inspections.

The DOE shall make such inspections and surveys of the premises, activities, records, and procedures of any person subject to the regulations in this part as DOE deems necessary to effectuate the purposes of the Act, Executive Order 13526, and DOE orders and procedures.

§ 1016.44 [Redesignated as § 1016.32]

■ 22. Section 1016.44 is redesignated as § 1016.32.

[FR Doc. 2017–18043 Filed 8–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0164; Product Identifier 2017–NE–06–AD; Amendment 39–19008; AD 2017–17–18]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain General Electric Company (GE) CF34–8 model turbofan engines. This AD was prompted by analysis that resulted in the reduction of the life of the affected fan blades. This AD requires inspections of the affected fan blades until their removal. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 6, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 6, 2017.

ADDRESSES: For service information identified in this final rule, contact General Electric Company, GE—Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: 513–552–3272; fax: 513–552–3329; email: *geae.aoc@ge.com*. You may view this service information at the FAA, Engine and Propeller Standards Branch, Policy and Innovation Division, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0164.

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–2017–0164; 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. The address for the Docket Office (phone: 800–647–5527) is Document Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building

Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: John Frost, Aerospace Engineer, FAA, ECO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7756; fax: 781–238–7199; email: *john.frost@faa.gov*.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain GE CF34–8 model turbofan engines. The NPRM published in the **Federal Register** on April 14, 2017 (82 FR 17945). The NPRM was prompted by analysis that showed that the stresses in the pinholes, in the affected fan blades, could result in crack initiation at pinhole surfaces beyond 19,000, 19,500, or 25,000 cycles-since-new (CSN), depending on the engine model on which the blade is installed. The NPRM proposed to require initial and repetitive eddy current inspections (ECIs) and removal of affected fan blades before reaching 41,000 CSN. The NPRM also provided an option to repair affected blades, which allows for an additional 28,000 cycles before removal. This condition, if not corrected, could result in failure of the fan blade, uncontained blade release, damage to the engine, and damage to the airplane.

Comments

We gave the public the opportunity to participate in developing this final rule. The following presents the comments received on the NPRM and the FAA's response to each comment.

The Air Line Pilots Association expressed support for the NPRM.

Request To Rescind the AD

Republic Airlines requested that we rescind the AD action. Republic Airlines does not feel that the failure of the blade is an airworthiness issue that should be addressed by this AD. Republic Airlines feels that in the event of a failed blade, the aircraft could continue to a safe flight and landing. The failure would be evident operationally and the crews would take the appropriate steps to return the aircraft and its occupants safely to the closest airport.

We disagree. Based on the analysis that resulted in the reduction of the life of the affected fan blades, the FAA determined an unsafe condition exists based on the extremely high number of forecasted events. We did not change this AD.

Request To Change Related Service Information

J-Air & Horizon Air requested that we mandate the use of specific service bulletins in paragraph (g) of this AD. Paragraph (g) of this AD does not specify an ECI procedure.

We partially agree. We disagree with mandating the use of specific service bulletins in paragraph (g) of this AD because that would preclude the use of other procedures that may be acceptable.

However, we added a statement to compliance paragraph (g) in this AD indicating the GE service documents in which guidance can be found for performing the ECI.

Request To Add Repetitive Inspections Intervals

Horizon Air requested that we provide instructions with regard to the repetitive inspection interval requirements for fan blades that have accumulated an unknown number of CSN.

We agree. We added paragraph (g)(4)(iii) of this AD to mandate a repetitive inspection.

Request To Add Terminating Action

Horizon Air requested that we provide a designated paragraph for terminating action. Although paragraph (h) of this AD provides fan blade, part number (P/N) 4114T31G01, as a repair option, the repair is not specifically given as a means to terminate the repetitive inspections required for fan blade, P/N 4114T15P02.

We disagree. This AD requires repetitive inspections only for fan blade, P/N 4114T15P02. Therefore, once a fan blade is repaired to P/N 4114T31G01, a repetitive inspection is not required. We did not change this AD.

Request To Update Service Information

Horizon Air requested that all references to GE Alert Service Bulletin (ASB) CF34–8E SB 72–A0115, R03 be revised to R04.

We agree. We revised this AD to refer to the latest service information revision and date.

Conclusion

We reviewed the relevant data, considered the comments received, and determined that air safety and the public interest require adopting this final rule with the changes described previously and minor editorial changes. We have determined that these minor changes:

- Are consistent with the intent that was proposed in the NPRM for correcting the unsafe condition; and
- Do not add any additional burden upon the public than was already proposed in the NPRM.

We also determined that these changes will not increase the economic burden on any operator or increase the scope of this final rule.

Related Service Information Under 1 CFR Part 51

We reviewed GE ASB CF34–8C SB 72–A0137, Revision 5 (R05), dated June 15, 2016. This ASB identifies an approved inspection method and provides the procedures necessary for calculating the adjusted CSN for the initial inspection of CF34–8C fan blades.

We also reviewed CF34–8E ASB 72–A0060, Revision 5 (R05), dated June 15, 2016. This ASB identifies an approved inspection method and provides the procedures necessary for calculating the adjusted CSN for the initial inspection of CF34–8E fan blades.

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.

Other Related Service Information

We reviewed GE ASBs CF34–8E SB 72–A0115, R04, dated December 9, 2016; and CF34–8C SB 72–A0225, R03, dated December 9, 2016. These ASBs describe procedures for repairing fan blade, part number (P/N) 4114T15P02 to P/N 4114T31G01, with the installation of a bushing in the pinholes.

Costs of Compliance

We estimate that this AD affects 1,986 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Initial ECI Inspection	4 work-hours × $85 per hour = $340	$0	$340	$675,240
Replacement of fan blade (prorated annual cost).	0 work-hours × $85 per hour = $0	5,460	5,460	10,843,560

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 engines, propellers, and associated appliances to the Manager, Engine and Propeller Standards Branch, 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 to the extent that it justifies making a regulatory distinction, and

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

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):

2017–17–18 General Electric Company: Amendment 39–19008; Docket No. FAA–2017–0164; Product Identifier 2017–NE–06–AD.

(a) Effective Date

This AD is effective October 6, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) CF34–8C1, CF34–8C5, CF34–8C5A1, CF34–8C5B1, CF34–8C5A2, CF34–8C5A3, CF34–8E2, CF34–8E2A1, CF34–8E5, CF34–8E5A1, CF34–8E5A2, CF34–8E6 and CF34–8E6A1 engines, including engines marked on the engine data plate as CF34–8C5B1/B, CF34–8C5/B, CF34–8C5A1/B, CF34–8C5A2/B, CF34–8C5/M, CF34–8C5A1/M, CF34–C8C5A2/M, CF34–8C5A3/B, or CF34–8C5B1/M, with a fan blade, part number (P/N) 4114T15P02 or P/N 4114T31G01, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7230, Turbine Engine Compressor Section.

(e) Unsafe Condition

This AD was prompted by analysis that resulted in the reduction of the life of the affected fan blades. We are issuing this AD to prevent failure of the fan blade, uncontained blade release, damage to the engine, and damage to the airplane.

(f) Compliance

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

(g) Eddy Current Inspections (ECIs)

(1) For CF34–8C1, CF34–8C5B1, CF34–8C5B1/B and CF34–8E2 engines with fan blade, P/N 4114T15P02, installed:

(i) Perform an initial ECI of the fan blade pinhole prior to the fan blade accumulating 25,000 cycles-since-new (CSN); and

(ii) Repeat this inspection within every 3,000 cycles thereafter.

(2) For CF34–8C5, CF34–8C5/B, CF34–8C5A1, CF34–8C5A1/B, CF34–8C5A2, CF34–8C5A2/B, CF34–8E2A1, CF34–8E5, CF34–8E5A1, CF34–8E6 and CF34–8E6A1 engines with fan blade, P/N 4114T15P02, installed:

(i) Perform an initial ECI of the fan blade pinhole prior to the fan blade accumulating 19,500 CSN; and

(ii) Repeat this inspection within every 3,000 cycles thereafter, until the fan blade has accumulated 25,000 CSN, then repeat the inspection every 1,500 cycles thereafter.

(3) For CF34–8C5/M, CF34–8C5A1/M, CF34–8C5A2/M, CF34–8C5A3, CF34–8C5A3/B, CF34–8C5B1/M, and CF34–8E5A2 engines with fan blade, P/N 4114T15P02, installed:

(i) Perform an initial ECI of the fan blade pinhole prior to the fan blade accumulating 19,000 CSN; and

(ii) Repeat this inspection within every 3,000 cycles thereafter, until the fan blade has accumulated 25,000 CSN, then repeat the inspection every 1,500 cycles thereafter.

(4) For any affected engine with a fan blade, P/N 4114T15P02, installed, where the CSN of the fan blade is unknown on the effective date of this AD:

(i) Assume the blade has accumulated 25,000 CSN on the effective date of this AD; and

(ii) Inspect the blade prior to installation or within 500 cycles after the effective date of this AD, whichever is earlier.

(iii) Repeat this inspection based on the intervals of the new engine installation, as specified in paragraph (g) of this AD.

(5) If a fan blade is moved from one affected engine model to another affected model after the initial ECI:

(i) Perform an additional ECI of the blade prior to installation in the new model; and

(ii) Repeat this inspection based on the intervals of the new engine installation, as specified in paragraph (g) of this AD.

(6) If a fan blade, P/N 4114T15P02, has been used on more than one engine model prior to the initial ECI, use Appendix A of GE Alert Service Bulletin (ASB) CF34–8C SB

72–A0137, R05, dated June 15, 2016, or Appendix A of GE ASB CF34–8E SB 72–A0060, R05, dated June 15, 2016, to calculate the new cycle limit for the initial inspection of that fan blade.

(7) Guidance on performing the ECI can be found in GE Service Bulletins GE ASB CF34–8C SB 72–A0137, R05, dated June 15, 2016, or GE ASB CF34–8E SB 72–A0060, R05, dated June 15, 2016.

(h) Fan Blade Removal

(1) For any affected engine with a fan blade, P/N 4114T15P02, installed, remove the blade from service or repair to P/N 4114T31G01 prior to the blade accumulating 41,000 CSN.

(2) For any affected engine with a fan blade, P/N 4114T31G01, installed, remove the blade from service prior to the blade accumulating 28,000 cycles since installation of the pinhole bushing.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, FAA, ECO Branch, Compliance and Airworthiness Division, 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 ECO Branch, send it to the attention of the person identified in paragraph (i)(1) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov*.

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

(j) Related Information

(1) For more information about this AD, contact John Frost, Aerospace Engineer, FAA, ECO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7756; fax: 781–238–7199; email: *john.frost@faa.gov*.

(2) GE ASB CF34–8E SB 72–A0115, R04, dated December 9, 2016, and GE ASB CF34–8C SB 72–A0225, R03, dated December 9, 2016, can be obtained from GE using the contact information in paragraph (k)(3) of this AD.

(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) General Electric Company (GE) Alert Service Bulletin (ASB) CF34–8C SB 72–A0137, Revision 5 (R05), dated June 15, 2016.

(ii) GE ASB CF34–8E SB 72–A0060, Revision 5 (R05), dated June 15, 2016.

(3) For General Electric Company service information identified in this AD, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: 513–552–3272; fax: 513–552–3329; email: *geae.aoc@ge.com*.

(4) You may view this service information at FAA, Engine and Propeller Standards Branch, Policy and Innovation Division, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

(5) You may view this service information 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 Burlington, Massachusetts, on August 29, 2017.

Robert J. Ganley,

Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2017–18570 Filed 8–31–17; 8:45 am]

BILLING CODE 4910–13–P

TENNESSEE VALLEY AUTHORITY

18 CFR Part 1301

Freedom of Information Act Regulations

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Final rule.

SUMMARY: The Tennessee Valley Authority issues this final rule amending its Freedom of Information Act (FOIA) regulations to incorporate the statutory changes made to the FOIA by the FOIA Improvement Act of 2016 (Act). The TVA's FOIA regulations provide the procedures by which the public may request records from TVA, and the policies and procedures by which TVA provides such records to the public upon written request. TVA is updating its regulations to incorporate the procedural requirements of the Act.

DATES: This rule is effective September 1, 2017.

ADDRESSES: Tennessee Valley Authority, Freedom of Information Act Office, 400 W. Summit Hill Drive (WT 7D), Knoxville, TN 37902–1401.

FOR FURTHER INFORMATION CONTACT: Ms. Denise Smith, FOIA Officer, Tennessee Valley Authority, 400 W. Summit Hill Drive (WT 7D), Knoxville, TN 37902–1401. *Telephone:* (865) 632–6945. *Email: dsmith@tva.gov*.

SUPPLEMENTARY INFORMATION: The FOIA Improvement Act of 2016 requires that Federal agencies review and update their FOIA regulations in accordance with its provisions. The provisions include a requirement that agencies make available for public inspection, in an electronic format records, that have become or are likely to become the subject of subsequent requests for substantially the same records, or records that have been requested under FOIA three or more times. The Act requires that agencies provide a minimum of 90 days for requesters to file an administrative appeal following an adverse determination, and that agencies provide dispute resolution services at various times throughout the FOIA process. The Act codifies the U.S. Department of Justice's ''foreseeable harm'' standard, specifying that an agency shall withhold information only if the agency reasonably foresees that disclosure would harm an interest protected by an exemption under 5 U.S.C. 552(b) or if disclosure is prohibited by law. This provision also requires agencies to consider whether partial disclosure is possible if full disclosure is not possible, and to take reasonable steps to segregate and release nonexempt information. The Act amends FOIA exemption 5 to specify that the deliberative process privilege does not apply to records created 25 years or more before the date of the request and must be released if requested.

The Tennessee Valley Authority issues a final rule amending its Freedom of Information Act (FOIA) regulations to incorporate the statutory changes made to the FOIA by the Act. TVA exercises no discretion in implementing these statutory changes, therefore, public notice and comment is not required pursuant to 5 U.S.C. 553(b)(B). For these same reasons, the 30-day delay in effective date provided for in 5 U.S.C. 553(d) is waived.

List of Subjects in 18 CFR Part 1301

Freedom of Information, Privacy, Government in the Sunshine.

For the reasons stated in the preamble, TVA amends 18 CFR part 1301 as follows:

PART 1301—PROCEDURES

■ 1. The authority citation for part 1301 Subpart A continues to read as follows:

Authority: 16 U.S.C. 831–831dd, 5 U.S.C. 552.

■ 2. Subpart A of part 1301 is revised as follows:

Subpart A—Freedom of Information Act

Sec.

1301.1 General provisions.
1301.2 Proactive disclosures.
1301.3 Requirements for making requests.
1301.4 Responsibility for responding to requests.
1301.5 Timing of responses to requests.
1301.6 Responses to requests.
1301.7 Exempt records.
1301.8 Confidential commercial information.

1301.9 Appeals.
1301.10 Preservation of records.
1301.11 Fees.
1301.12 Other rights and services.

§ 1301.1 General provisions.

(a) This subpart contains the rules that the Tennessee Valley Authority (TVA) follows in processing requests for records under the Freedom of Information Act (FOIA), 5 U.S.C. 552. These rules should be read in conjunction with the text of the FOIA and the Uniform Freedom of Information Fee Schedule and Guidelines published by the Office of Management and Budget (''OMB Guidelines''). Requests made by individuals for records about themselves under the Privacy Act of 1974, 5 U.S.C. 552a, are processed in accordance with TVA's Privacy Act regulations as well as under this subpart.

§ 1301.2 Proactive disclosures.

Records that the FOIA requires agencies to make available for public inspection in an electronic format may be accessed through the TVA Web site. Each TVA organization is responsible for determining which of its records must be made publicly available, for identifying additional records of interest to the public that are appropriate for public disclosure, and for posting and indexing such records. Each TVA organization shall ensure that its posted records and indices are reviewed and updated on an ongoing basis. TVA has a FOIA Requester Service Center and a FOIA Public Liaison who can assist individuals in locating TVA records. Contact information for the FOIA Requester Service Center and Public Liaison is available at *https://www.tva.com/Information/Freedom-of-Information/FOIA-Contacts*.

§ 1301.3 Requirements for making requests.

(a) *General information.* (1) TVA has a centralized system for responding to FOIA requests. To make a request for records, a requester should write directly to the Tennessee Valley Authority, FOIA Officer, 400 W. Summit Hill Drive (WT 7D), Knoxville, TN 37902–1401. TVA's Guide to Information, which may be accessed on the TVA Web site at *https://www.tva.com/Information/Freedom-of-Information/A-Guide-to-Information-About-The-Tennessee-Valley-Authority* may be helpful in making your request.

(2) If you are making a request about yourself, see subpart B Privacy Act for additional requirements.

(3) Where a request for records pertains to another individual, a requester may receive greater access by submitting either a notarized authorization signed by that individual or a declaration made in compliance with the requirements set forth in 28 U.S.C. 1746 by that individual authorizing disclosure of the records to the requester, or by submitting proof that the individual is deceased (*e.g.,* a copy of a death certificate or an obituary). As an exercise of administrative discretion, TVA may require a requester to supply additional information if necessary in order to verify that a particular individual has consented to disclosure.

(b) *Description of records sought.* Requesters must describe the records sought in sufficient detail to enable TVA personnel to locate them with a reasonable amount of effort. To the extent possible, requesters should include specific information that may help TVA identify the requested records, such as the date, title or name, author, recipient, subject matter of the record, case number, file designation, or reference number. Before submitting their requests, requesters may contact the TVA's FOIA Officer or FOIA Public Liaison to discuss the records they seek and to receive assistance in describing the records. If after receiving a request the agency determines that the request does not reasonably describe the records sought, the agency shall inform the requester of what additional information is needed or why the request is otherwise insufficient. Requesters who are attempting to reformulate or modify such a request may discuss their request with the agency's FOIA Officer or FOIA Public Liaison. If a request does not reasonably describe the records sought, the agency's response to the request may be delayed.

(c) *Format of records sought.* Requests may specify the preferred form or format (including electronic formats) for the records you seek. TVA will accommodate your request if the record is readily reproducible in that form or format.

(d) *Requester contact information.* Requesters must provide contact information, such as their phone number, email address, and/or mailing address, to assist the agency in communicating with them and providing released records.

§ 1301.4 Responsibility for responding to requests.

(a) *In general.* TVA's FOIA Officer or the FOIA Officer's designee is responsible for responding to all FOIA requests. In determining which records are responsive to a request, TVA ordinarily will include only records in its possession as of the date that it begins its search. If any other date is used, the agency will inform the requester of that date. A record that is excluded from the requirements of the FOIA pursuant to 5 U.S.C. 552(c), is not considered responsive to a request.

(b) *Authority to grant or deny requests.* TVA's FOIA Officer or the FOIA Officer's designee is authorized to grant or to deny any requests for records that are maintained by TVA.

(c) *Consultation, referral and coordination.* When reviewing records located by TVA in response to a request, TVA will determine whether another agency of the Federal Government is better able to determine whether the record is exempt from disclosure under the FOIA. As to any such record, TVA shall proceed in one of the following ways:

(1) *Consultation.* When records originated with the agency processing the request, but contain within them information of interest to another agency or other Federal Government office, the agency processing the request should typically consult with that other entity prior to making a release determination.

(2) *Referral.* (i) When the agency processing the request believes that a different agency or component is best able to determine whether to disclose the record, the agency typically should refer the responsibility for responding to the request regarding that record to that agency. Ordinarily, the agency that originated the record is presumed to be the best agency to make the disclosure determination. However, if the agency processing the request and the originating agency jointly agree that the agency processing the request is in the best position to respond regarding the record, then the record may be handled as a consultation.

(ii) Whenever an agency refers any part of the responsibility for responding to a request to another agency, it must document the referral, maintain a copy of the record that it refers, and notify the requester of the referral, informing the requester of the name(s) of the agency to which the record was referred, including that agency's FOIA contact information.

(3) *Coordination.* The standard referral procedure is not appropriate where disclosure of the identity of the agency to which the referral would be made could harm an interest protected by an applicable exemption, such as the exemptions that protect personal privacy or national security interests. For example, if a non-law enforcement agency responding to a request for records on a living third party locates

within its files records originating with a law enforcement agency, and if the existence of that law enforcement interest in the third party was not publicly known, then to disclose that law enforcement interest could cause an unwarranted invasion of the personal privacy of the third party. Similarly, if an agency locates within its files material originating with an Intelligence Community agency, and the involvement of that agency in the matter is classified and not publicly acknowledged, then to disclose or give attribution to the involvement of that Intelligence Community agency could cause national security harms. In such instances, in order to avoid harm to an interest protected by an applicable exemption, the agency that received the request should coordinate with the originating agency to seek its views on the disclosability of the record. The release determination for the record that is the subject of the coordination should then be conveyed to the requester by the agency that originally received the request.

(d) *Classified information.* On receipt of any request involving classified information, the agency must determine whether the information is currently and properly classified in accordance with applicable classification rules. Whenever a request involves a record containing information that has been classified or may be appropriate for classification by another agency under any applicable executive order concerning the classification of records, the receiving agency must refer the responsibility for responding to the request regarding that information to the agency that classified the information, or that should consider the information for classification. Whenever an agency's record contains information that has been derivatively classified (for example, when it contains information classified by another agency), the agency must refer the responsibility for responding to that portion of the request to the agency that classified the underlying information.

(e) *Timing of responses to consultations and referrals.* All consultations and referrals received by TVA will be handled according to the date that the first agency received the perfected FOIA request.

(f) *Agreements regarding consultations and referrals.* TVA may establish agreements with other agencies to eliminate the need for consultations or referrals with respect to particular types of records.

§ 1301.5 Timing of responses to requests.

(a) *In general.* TVA ordinarily will respond to requests according to their order of receipt and placement in an appropriate processing track as follows.

(b) *Multitrack processing.* TVA has established three tracks for handling requests and the track to which a request is assigned will depend on the nature of the request and the estimated processing time. Among the factors TVA may consider are the number of records requested, the number of pages involved in processing the request and the need for consultations or referrals. TVA will also designate a specific track for requests that are granted expedited processing, in accordance with the standards set forth in paragraph (e) of this section. TVA will advise requesters of the track into which their request falls and, when appropriate, will offer the requesters an opportunity to narrow or modify their request so that it can be placed in a different processing track.

(1) *Track 1.* Requests that can be answered with readily available records or information. These are the fastest to process. These requests ordinarily will be responded to within 20 working days of receipt of a proper request by the FOIA Officer. The 20 working day time limit provided in this paragraph may be extended by TVA for unusual circumstances, as defined in paragraph (c) of this section, upon written notice to the person requesting the records.

(2) *Track 2.* Requests where we need records or information from other offices throughout TVA, where we must consult with other Government agencies, or when we must process a submitter notice as described in § 1301.8(d), but we do not expect that the decision on disclosure will be as time consuming as for requests in Track 3.

(3) *Track 3.* Requests which require a decision or input from another office or agency, extensive submitter notifications because of the presence of Business Information as defined in § 1301.8(b)(1), and a considerable amount of time will be needed for that, or the request is complicated or involves a large number of records. Usually, these requests will take the longest to process.

(c) *Unusual circumstances.* Whenever the statutory time limit for processing a request cannot be met because of ''unusual circumstances,'' and TVA extends the time limit on that basis, TVA will, before expiration of the 20-day period to respond, notify the requester in writing of the unusual circumstances involved and of the date by which TVA estimates processing of the request will be completed. Where the extension exceeds 10 working days, TVA will, as described by the FOIA, provide the requester with an opportunity to modify the request or arrange an alternative time period for processing the original or modified request. TVA will make available its FOIA Officer or its FOIA Public Liaison for this purpose. A list of agency FOIA Public Liaisons is available at *https://www.foia.gov/report-makerequest.html*. TVA will also alert requesters to the availability of the Office of Government Information Services (OGIS) to provide dispute resolution services. As used in this paragraph, ''unusual circumstances'' means, but only to the extent reasonable necessary to the proper processing of the particular requests:

(1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject-matter interest therein.

(d) *Aggregating requests.* To satisfy unusual circumstances under the FOIA, TVA may aggregate requests in cases where it reasonably appears that multiple requests, submitted either by a requester or by a group of requesters acting in concert, constitute a single request that would otherwise involve unusual circumstances. TVA cannot aggregate multiple requests that involve unrelated matters.

(e) *Expedited processing.* (1) TVA will process requests and appeals on an expedited basis whenever it is determined that they involve:

(i) Circumstances in which the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;

(ii) An urgency to inform the public about an actual or alleged Federal Government activity, if made by a person who is primarily engaged in disseminating information;

(iii) The loss of substantial due process rights.

(2) A request for expedited processing may be made at any time. For a prompt determination, requests based on paragraphs (e)(1)(i) and (ii) of this

section should be submitted to the TVA FOIA Officer. Requests based on paragraph (e)(1)(iii) of this section should be submitted in accordance with the agency's requirements as described in § 1301.3. When making a request for expedited processing of an administrative appeal, the request should be submitted to the TVA Chief FOIA Officer and Appeals Official.

(3) A requester who seeks expedited processing must submit a statement, certified to be true and correct, explaining in detail the basis for making the request for expedited processing. For example, under paragraph (e)(1)(ii) of this section, a requester who is not a full-time member of the news media must establish that the requester is a person whose primary professional activity or occupation is information dissemination, though it need not be the requester's sole occupation. Such a requester also must establish a particular urgency to inform the public about the government activity involved in the request—one that extends beyond the public's right to know about government activity generally. The existence of numerous articles published on a given subject can be helpful in establishing the requirement that there be an ''urgency to inform'' the public on the topic. As a matter of administrative discretion, TVA may waive the formal certification requirement.

(4) TVA will notify the requester within 10 calendar days of the receipt of a request for expedited processing of its decision whether to grant or deny expedited processing. If expedited processing is granted, the request must be given priority, placed in the processing track for expedited requests, and must be processed as soon as practicable. If a request for expedited processing is denied, the agency must act on any appeal of that decision expeditiously.

§ 1301.6 Responses to requests.

(a) *In general.* TVA, to the extent practicable, will communicate with requesters having access to the Internet electronically, such as email.

(b) *Acknowledgments of requests.* TVA will acknowledge the request in writing and assign it an individualized tracking number if it will take longer than 10 working days to process. TVA will include in the acknowledgment a brief description of the records sought to allow requesters to more easily keep track of their requests.

(c) *Estimated dates of completion and interim responses.* Upon request, TVA will provide an estimated date by which the agency expects to provide a response to the requester. If a request involves a voluminous amount of material, or searches in multiple locations, TVA may provide interim responses, releasing the records on a rolling basis.

(d) *Grants of requests.* Once TVA determines it will grant a request in full or in part, it will notify the requester in writing. TVA will also inform the requester of any fees charged under § 1301.11 of this subpart and will disclose the requested records to the requester promptly upon payment of any applicable fees.

(e) *Adverse determinations of requests.* If TVA makes an adverse determination denying a request in any respect, it will notify the requester of that determination in writing. Adverse determinations, or denials of requests, include decisions that: the requested record is exempt, in whole or in part; the request does not reasonably describe the records sought; the information requested is not a record subject to the FOIA; the requested record does not exist, cannot be located, or has been destroyed; or the requested record is not readily reproducible in the form or format sought by the requester. Adverse determinations also include denials involving fees or fee waiver matters or denials of requests for expedited processing. In the event of an adverse determination, TVA will inform the requester of the availability of its FOIA Public Liaison to offer assistance to requesters.

(f) *Content of denial.* The denial must be signed by the head of the agency or their designee and must include:

(1) The name and title or position of the person responsible for the denial;

(2) A brief statement of the reasons for the denial, including any FOIA exemption applied by the agency in denying the request;

(3) An estimate of the volume of any records or information withheld, such as the number of pages or some other reasonable form of estimation, although such an estimate is not required if the volume is otherwise indicated by deletions marked on records that are disclosed in part or if providing an estimate would harm an interest protected by an applicable exemption; and

(4) A statement that the denial may be appealed under § 1301.9(a) of this subpart, and a description of the appeal requirements.

(5) A statement notifying the requester of the assistance available from the agency's FOIA Public Liaison and the dispute resolution services offered by OGIS.

(g) *Markings on released documents.* Records disclosed in part must be marked clearly to show the amount of information deleted and the exemption under which the deletion was made unless doing so would harm an interest protected by an applicable exemption. The location of the information deleted must also be indicated on the record, if technically feasible.

(h) *Use of record exclusions.* (1) In the event that TVA identifies records that may be subject to exclusion from the requirements of the FOIA pursuant to 5 U.S.C. 552(c), TVA will confer with the Department of Justice, Office of Information Policy, to obtain approval to apply the exclusion.

(2) If an exclusion is invoked, TVA will maintain an administrative record of the process of invocation and approval of the exclusion by OIP.

§ 1301.7 Exempt records.

(a) TVA's records will be disclosed to any person upon request as provided in this section, except records that are exempt and are not made available if they are:

(1)(i) Specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy, and

(ii) Are in fact properly classified pursuant to such Executive order;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute (other than section 552b of this title), if that statute—

(i)(A) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

(B) Establishes particular criteria for withholding or refers to particular types of matters to be withheld; and

(ii) If enacted after the date of enactment of the OPEN FOIA Act of 2009, specifically cites to this paragraph.

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency, provided that the deliberative process privilege shall not apply to records created 25 years or more before the date on which the records were requested;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Records or information compiled for law enforcement purposes, but only

to the extent that the production of such law enforcement records or information—

(i) Could reasonably be expected to interfere with enforcement proceedings,

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication,

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy,

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of a record or information compiled by a criminal law enforcement authority in the course of a criminal investigation or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source,

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) The availability of certain classes of nonexempt records is deferred for such time as TVA may determine is reasonable necessary to avoid interference with the accomplishment of its statutory responsibilities. Such records include bids and information concerning the identity and number of bids received prior to bid opening and award; and all negotiations in progress involving contracts or agreements for the acquisition or disposal of real or personal property by TVA prior to the conclusion of such negotiations. Any reasonably segregable portion of an available record shall be provided to any person requesting such record after deletion of the portions which are exempt under this paragraph.

§ 1301.8 Confidential commercial information.

(a) *Definitions*—(1) *Confidential commercial information* means commercial or financial information obtained by TVA from a submitter that may be protected from disclosure under Exemption 4 of the FOIA, 5 U.S.C. 552(b)(4).

(2) *Submitter* means any person or entity, including a corporation, State, or foreign government, but not including another Federal Government entity, that provides confidential commercial information, either directly or indirectly to the Federal Government.

(b) *Designation of confidential commercial information.* A submitter of confidential commercial information must use good faith efforts to designate by appropriate markings, at the time of submission, any portion of its submission that it considers to be protected from disclosure under Exemption 4. These designations expire 10 years after the date of the submission unless the submitter requests and provides justification for a longer designation period.

(c) *When notice to submitters is required.* (1) TVA will promptly provide written notice to the submitter of confidential commercial information whenever records containing such information are requested under the FOIA if TVA determines that it may be required to disclose the records, provided:

(i) The requested information has been designated in good faith by the submitter as information considered protected from disclosure under Exemption 4; or

(ii) TVA has a reason to believe that the requested information may be protected from disclosure under Exemption 4, but has not yet determined whether the information is protected from disclosure.

(2) The notice must either describe the commercial information requested or include a copy of the requested records or portions of records containing the information. In cases involving a voluminous number of submitters, the agency may post or publish a notice in a place or manner reasonably likely to inform the submitters of the proposed disclosure, instead of sending individual notifications.

(d) *Exceptions to submitter notice requirements.* The notice requirements of this section do not apply if:

(1) TVA determines that the information is exempt under the FOIA, and therefore will not be disclosed;

(2) The information has been lawfully published or has been officially made available to the public;

(3) Disclosure of the information is required by a statute other than the FOIA or by a regulation issued in accordance with the requirements of Executive Order 12600 of June 23, 1987; or

(4) The designation made by the submitter under paragraph (b) of this section appears obviously frivolous. In such case, TVA will give the submitter written notice of any final decision to disclose the information within a reasonable number of days prior to a specified disclosure date.

(e) *Opportunity to object to disclosure.* (1) TVA will specify a reasonable time period within which the submitter must respond to the notice referenced under paragraph (c)(1) of this section.

(2) If a submitter has any objections to disclosure, it should provide TVA a detailed written statement that specifies all grounds for withholding the particular information under any exemption of the FOIA. In order to rely on Exemption 4 as basis for nondisclosure, the submitter must explain why the information constitutes a trade secret or commercial or financial information that is confidential.

(3) A submitter who fails to respond within the time period specified in the notice will be considered to have no objection to disclosure of the information. TVA is not required to consider any information received after the date of any disclosure decision. Any information provided by a submitter under this subpart may itself be subject to disclosure under the FOIA.

(f) *Analysis of objections.* TVA will consider a submitter's objections and specific grounds for nondisclosure in deciding whether to disclose the requested information.

(g) *Notice of intent to disclose.* Whenever TVA decides to disclose information over the objection of a submitter, TVA will provide the submitter written notice, which will include:

(1) A statement of the reasons why each of the submitter's disclosure objections was not sustained;

(2) A description of the information to be disclosed or copies of the records as TVA intends to release them; and

(3) A specified disclosure date, which must be a reasonable time after the notice.

(h) *Notice of FOIA lawsuit.* Whenever a requester files a lawsuit seeking to compel the disclosure of confidential commercial information, TVA will promptly notify the submitter.

(i) *Requester notification.* TVA will notify the requester whenever it provides the submitter with notice and an opportunity to object to disclosure; whenever it notifies the submitter of its intent to disclose the requested information; and whenever a submitter

files a lawsuit to prevent the disclosure of the information.

§ 1301.9 Appeals.

(a) *Requirements for making an appeal.* A requester may appeal any adverse determinations to TVA's office designated to receive FOIA appeals (FOIA Appeals Office). Examples of adverse determinations are provided in § 1301.6(e) of this subpart. Requesters can submit appeals by mail to TVA FOIA Appeals Official, Tennessee Valley Authority, 400 W. Summit Hill Drive (WT 7C), Knoxville, TN 37902–1401. The requester must make the appeal in writing and to be considered timely it must be postmarked within 90 calendar days after the date of the initial response. The appeal should clearly identify the agency determination that is being appealed and the assigned request number. To facilitate handling, the requester should mark both the appeal letter and envelope ''Freedom of Information Act Appeal.''

(b) *Adjudication of appeals.* (1) The TVA Chief FOIA Officer and FOIA Appeals Official or designee will act on all appeals under this section.

(2) An appeal ordinarily will not be adjudicated if the request becomes a matter of FOIA litigation.

(3) On receipt of any appeal involving classified information, the Chief FOIA Officer and FOIA Appeals Official will take appropriate action to ensure compliance with applicable classification rules.

(c) *Decisions on appeals.* TVA will provide its decision on an appeal in writing. A decision that upholds TVA's determination in whole or in part must contain a statement that identifies the reasons for the affirmance, including any FOIA exemptions applied. The decision must provide the requester with notification of the statutory right to file a lawsuit and will inform the requester of the dispute resolution services offered by the Office of Government Information Services (OGIS) of the National Archives and Records Administration as a non-exclusive alternative to litigation. If TVA's decision is remanded or modified on appeal, TVA will notify the requester of that determination in writing. TVA will then further process the request in accordance with that appeal determination and will respond directly to the requester.

(d) *Engaging in dispute resolution services provided by OGIS.* Dispute resolution is a voluntary process. If TVA agrees to participate in the dispute resolution services provided by OGIS, it will actively engage as a partner to the process in an attempt to resolve the dispute.

(e) *When appeal is required.* Before seeking review by a court of TVA's adverse determination, a requester generally must first submit a timely administrative appeal.

§ 1301.10 Preservation of records.

TVA will preserve all correspondence pertaining to the requests that it receives under this subpart, as well as copies of all requested records, until disposition or destruction is authorized pursuant to title 44 of the United States Code or the General Records Schedule 4.2 of the National Archives and Records Administration. TVA will not dispose of or destroy records while they are the subject of a pending request, appeal, or lawsuit under the FOIA.

§ 1301.11 Fees.

(a) *In general.* (1) TVA will charge for processing requests under the FOIA in accordance with the provisions of this section and with the OMB Guidelines. For purposes of assessing fees, the FOIA establishes three categories of requesters:

(i) Commercial use requesters;

(ii) Non-commercial scientific or educational institutions or news media requesters; and

(iii) All other requesters.

(2) Different fees are assessed depending on the category. Requesters may seek a fee waiver. TVA will consider requests for fee waivers in accordance with the requirements in paragraph (k) of this section. To resolve any fee issues that arise under this section, TVA may contact a requester for additional information. TVA will ensure that searches, review, and duplication are conducted in the most efficient and the least expensive manner. TVA ordinarily will collect all applicable fees before sending copies of records to a requester. Requesters must pay fees by check or money order made payable to the Tennessee Valley Authority, or by another method as determined by TVA.

(b) *Definitions.* For purposes of this section:

(1) Commercial use request is a request that asks for information for a use or a purpose that furthers a commercial, trade, or profit interest, which can include furthering those interests through litigation. TVA's decision to place a requester in the commercial use category will be made on a case-by-case basis based on the requester's intended use of the information. TVA will notify requesters of their placement in this category.

(2) Direct costs are those expenses that TVA incurs in searching for and duplicating (and, in the case of commercial use requests, reviewing) records in order to respond to a FOIA request. For example, direct costs include the salary of the employee performing the work (*i.e.,* the basic rate of pay for the employee, plus 16 percent of that rate to cover benefits) and the cost of operating computers and other electronic equipment, such as photocopiers and scanners. Direct costs do not include overhead expenses such as the costs of space, and of heating or lighting a facility.

(3) Duplication is reproducing a copy of a record, or of the information contained in it, necessary to respond to a FOIA request. Copies can take the form of paper, audiovisual materials, or electronic records, among others.

(4) Educational institution is any school that operates a program of scholarly research. A requester in this fee category must show that the request is made in connection with his or her role at the educational institution. TVA may seek verification from the requester that the request is in furtherance of scholarly research and TVA will advise requesters of their placement in this category.

Example 1. A request from a professor of geology at a university for records relating to soil erosion, written on letterhead of the Department of Geology, would be presumed to be from an educational institution.

Example 2. A request from the same professor of geology seeking drug information from the Food and Drug Administration in furtherance of a murder mystery he is writing would not be presumed to be an institutional request, regardless of whether it was written on institutional stationery.

Example 3. A student who makes a request in furtherance of their coursework or other school-sponsored activities and provides a copy of a course syllabus or other reasonable documentation to indicate the research purpose for the request, would qualify as part of this fee category.

(5) Noncommercial scientific institution is an institution that is not operated on a ''commercial'' basis, as defined in paragraph (b)(1) of this section and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. A requester in this category must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are sought to further scientific research and are not for a commercial use. TVA will advise

requesters of their placement in this category.

(6) Representative of the news media is any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. The term ''news'' means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations that broadcast ''news'' to the public at large and publishers of periodicals that disseminate ''news'' and make their products available through a variety of means to the general public, including news organizations that disseminate solely on the Internet. A request for records supporting the news-dissemination function of the requester will not be considered to be for a commercial use. ''Freelance'' journalists who demonstrate a solid basis for expecting publication through a news media entity will be considered as a representative of the news media. A publishing contract would provide the clearest evidence that publication is expected; however, agencies can also consider a requester's past publication record in making this determination. TVA will advise requesters of their placement in this category.

(7) Search is the process of looking for and retrieving records or information responsive to a request. Search time includes page-by-page or line-by-line identification of information within records and the reasonable efforts expended to locate and retrieve information from electronic records.

(8) Review is the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. Review time includes processing any record for disclosure, such as doing all that is necessary to prepare the record for disclosure, including the process of redacting the record and marking the appropriate exemptions. Review costs are properly charged even if a record ultimately is not disclosed. Review time also includes time spent both obtaining and considering any formal objection to disclosure made by a confidential commercial information submitter under § 1301.7 of this subpart, but it does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(c) *Charging fees.* In responding to FOIA requests, TVA will charge the following fees unless a waiver or reduction of fees has been granted under paragraph (k) of this section. Because the fee amounts provided below already account for the direct costs associated with a given fee type, agencies should not add any additional costs to charges calculated under this section.

(1) *Search.* (i) Requests made by educational institutions, noncommercial scientific institutions, or representatives of the news media are not subject to search fees. TVA will charge search fees for all other requesters, subject to the restrictions of paragraph (d) of this section. TVA may properly charge for time spent searching even if they do not locate any responsive records or if they determine that the records are entirely exempt from disclosure.

(ii) For each hour spent by personnel searching for requested records, including electronic searches that do not require new programming, the fees will be charged as follows: For time spent by clerical employees, the charge is $14.90 per hour. For time spent by supervisory and professional employees, the charge is $34.30 per hour.

(iii) TVA will charge the direct costs associated with conducting any search that requires the creation of a new computer program to locate the requested records. TVA must notify the requester of the costs associated with creating such a program, and the requester must agree to pay the associated costs before the costs may be incurred.

(iv) For requests that require the retrieval of records stored by TVA at a Federal records center operated by the National Archives and Records Administration (NARA), TVA will charge additional costs in accordance with the Transactional Billing Rate Schedule established by NARA.

(2) *Duplication.* TVA will charge duplication fees to all requesters, subject to the restrictions of paragraph (d) of this section. TVA must honor a requester's preference for receiving a record in a particular form or format where TVA can readily reproduce it in the form or format requested. Where photocopies are supplied, TVA will provide one copy per request at the cost of 10 cents per page for sheets no larger than 8½ by 14 inches. For copies of records produced on tapes, disks, or other media, TVA will charge the direct costs of producing the copy, including operator time. Where paper documents must be scanned in order to comply with a requester's preference to receive the records in an electronic format, the requester must also pay the direct costs associated with scanning those materials. For other forms of duplication, TVA will charge the direct costs.

(3) *Review.* TVA will charge review fees to requesters who make commercial use requests. Review fees will be assessed in connection with the initial review of the record, *i.e.,* the review conducted by TVA to determine whether an exemption applies to a particular record or portion of a record. No charge will be made for review at the administrative appeal stage of exemptions applied at the initial review stage. However, if a particular exemption is deemed to no longer apply, any costs associated with an agency's re-review of the records in order to consider the use of other exemptions may be assessed as review fees. Review fees will be charged at the same rates as those charged for a search under paragraph (c)(1)(ii) of this section.

(d) *Restrictions on charging fees.* (1) When TVA determines that a requester is an educational institution, non-commercial scientific institution, or representative of the news media, and the records are not sought for commercial use, it will not charge search fees.

(2)(i) If TVA fails to comply with the FOIA's time limits in responding to a request, it may not charge search fees, or, in the instances of requests from requesters described in paragraph (d)(1) of this section, may not charge duplication fees, except as described in paragraphs (d)(2)(ii) through (iv) of this section.

(ii) If TVA has determined that unusual circumstances, as defined by the FOIA, apply and the agency provided timely written notice to the requester in accordance with the FOIA, a failure to comply with the time limit shall be excused for an additional 10 days.

(iii) If TVA has determined that unusual circumstances, as defined by the FOIA, apply and more than 5,000 pages are necessary to respond to the request, TVA may charge search fees, or, in the case of requesters described in paragraph (d)(1) of this section, may charge duplication fees, if the following steps are taken. TVA must have provided timely written notice of unusual circumstances to the requester in accordance with the FOIA and TVA must have discussed with the requester via written mail, email, or telephone (or made not less than three good-faith attempts to do so) how the requester could effectively limit the scope of the request in accordance with 5 U.S.C. 552(a)(6)(B)(ii). If this exception is satisfied, TVA may charge all applicable fees incurred in the processing of the request.

(iv) If a court has determined that exceptional circumstances exist, as

defined by the FOIA, a failure to comply with the time limits shall be excused for the length of time provided by the court order.

(3) No search or review fees will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(4) Except for requesters seeking records for a commercial use, TVA must provide without charge:

(i) The first 100 pages of duplication (or the cost equivalent for other media); and

(ii) The first two hours of search.

(5) No fee will be charged when the total fee, after deducting the 100 free pages (or its cost equivalent) and the first two hours of search, is equal to or less than $25.

(e) *Notice of anticipated fees in excess of $25.00.* (1) When TVA determines or estimates that the fees to be assessed in accordance with this section will exceed $25.00, TVA will notify the requester of the actual or estimated amount of the fees, including a breakdown of the fees for search, review or duplication, unless the requester has indicated a willingness to pay fees as high as those anticipated. If only a portion of the fee can be estimated readily, TVA will advise the requester accordingly. If the request is not for noncommercial use, the notice will specify that the requester is entitled to the statutory entitlements of 100 pages of duplication at no charge and, if the requester is charged search fees, two hours of search time at no charge, and will advise the requester whether those entitlements have been provided.

(2) If TVA notifies the requester that the actual or estimated fees are in excess of $25.00, the request will not be considered received and further work will not be completed until the requester commits in writing to pay the actual or estimated total fee, or designates some amount of fees the requester is willing to pay, or in the case of a noncommercial use requester who has not yet been provided with the requester's statutory entitlements, designates that the requester seeks only that which can be provided by the statutory entitlements. The requester must provide the commitment or designation in writing, and must, when applicable, designate an exact dollar amount the requester is willing to pay. TVA is not required to accept payments in installments.

(3) If the requester has indicated a willingness to pay some designated amount of fees, but TVA estimates that the total fee will exceed that amount, TVA will toll the processing of the request when it notifies the requester of the estimated fees in excess of the amount the requester has indicated a willingness to pay. TVA will inquire whether the requester wishes to revise the amount of fees the requester is willing to pay or modify the request. Once the requester responds, the time to respond will resume from where it was at the date of the notification.

(4) TVA will make available its FOIA Officer or FOIA Public Liaison to assist any requester in reformulating a request to meet the requester's needs at a lower cost.

(f) *Charges for other services.* Although not required to provide special services, if TVA chooses to do so as a matter of administrative discretion, the direct costs of providing the service will be charged. Examples of such services include certifying that records are true copies, providing multiple copies of the same document, or sending records by means other than first class mail.

(g) *Charging interest.* TVA may charge interest on any unpaid bill starting on the 31st day following the date of billing the requester. Interest charges will be assessed at the rate provided in 31 U.S.C. 3717 and will accrue from the billing date until payment is received by TVA. TVA must follow the provisions of the Debt Collection Act of 1982 (Pub. L. 97–365, 96 Stat. 1749), as amended, and its administrative procedures, including the use of consumer reporting agencies, collection agencies, and offset.

(h) *Aggregating requests.* When TVA reasonably believes that a requester or a group of requesters acting in concert is attempting to divide a single request into a series of requests for the purpose of avoiding fees, TVA may aggregate those requests and charge accordingly. TVA may presume that multiple requests of this type made within a 30-day period have been made in order to avoid fees. For requests separated by a longer period, TVA will aggregate them only where there is a reasonable basis for determining that aggregation is warranted in view of all the circumstances involved. Multiple requests involving unrelated matters cannot be aggregated.

(i) *Advance payments.* (1) For requests other than those described in paragraphs (i)(2) or (i)(3) of this section, TVA cannot require the requester to make an advance payment before work is commenced or continued on a request. Payment owed for work already completed (*i.e.,* payment before copies are sent to a requester) is not an advance payment.

(2) When TVA determines or estimates that a total fee to be charged under this section will exceed $250.00, it may require that the requester make an advance payment up to the amount of the entire anticipated fee before beginning to process the request. TVA may elect to process the request prior to collecting fees when it receives a satisfactory assurance of full payment from a requester with a history of prompt payment.

(3) Where a requester has previously failed to pay a properly charged FOIA fee to any agency within 30 calendar days of the billing date, TVA may require that the requester pay the full amount due, plus any applicable interest on that prior request, and TVA may require that the requester make an advance payment of the full amount of any anticipated fee before TVA begins to process a new request or continues to process a pending request or any pending appeal. Where TVA has a reasonable basis to believe that a requester has misrepresented the requester's identity in order to avoid paying outstanding fees, it may require that the requester provide proof of identity.

(4) In cases in which TVA requires advance payment, the request will not be considered received and further work will not be completed until the required payment is received. If the requester does not pay the advance payment within 30 calendar days after the date of TVA's fee determination, the request will be closed.

(j) *Other statutes specifically providing for fees.* The fee schedule of this section does not apply to fees charged under any statute that specifically requires an agency to set and collect fees for particular types of records. In instances where records responsive to a request are subject to a statutorily-based fee schedule program, TVA will inform the requester of the contact information for that program.

(k) *Requirements for waiver or reduction of fees.* (1) Requesters may seek a waiver of fees by submitting a written application demonstrating how disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(2) TVA will furnish records responsive to a request without charge or at a reduced rate when it determines, based on all available information, that the factors described in paragraphs (k)(2)(i) through (iii) of this section are satisfied:

(i) Disclosure of the requested information would shed light on the operations or activities of the

government. The subject of the request must concern identifiable operations or activities of the Federal Government with a connection that is direct and clear, not remote or attenuated.

(ii) Disclosure of the requested information is likely to contribute significantly to public understanding of those operations or activities. This factor is satisfied when the following criteria are met:

(A) Disclosure of the requested records must be meaningfully informative about government operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not be meaningfully informative if nothing new would be added to the public's understanding.

(B) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to the individual understanding of the requester. A requester's expertise in the subject area as well as the requester's ability and intention to effectively convey information to the public must be considered. TVA will presume that a representative of the news media will satisfy this consideration.

(iii) The disclosure must not be primarily in the commercial interest of the requester. To determine whether disclosure of the requested information is primarily in the commercial interest of the requester, TVA will consider the following criteria:

(A) TVA must identify whether the requester has any commercial interest that would be furthered by the requested disclosure. A commercial interest includes any commercial, trade, or profit interest. Requesters will be given an opportunity to provide explanatory information regarding this consideration.

(B) If there is an identified commercial interest, TVA must determine whether that is the primary interest furthered by the request. A waiver or reduction of fees is justified when the requirements of paragraphs (k)(2)(i) and (ii) of this section are satisfied and any commercial interest is not the primary interest furthered by the request. TVA ordinarily will presume that when a news media requester has satisfied factors paragraphs (k)(2)(i) and (ii), the request is not primarily in the commercial interest of the requester. Disclosure to data brokers or others who merely compile and market government information for direct economic return will not be presumed to primarily serve the public interest.

(3) Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver must be granted for those records.

(4) Requests for a waiver or reduction of fees should be made when the request is first submitted to TVA and should address the criteria referenced above. A requester may submit a fee waiver request at a later time so long as the underlying record request is pending or on administrative appeal. When a requester who has committed to pay fees subsequently asks for a waiver of those fees and that waiver is denied, the requester must pay any costs incurred up to the date the fee waiver request was received.

§ 1301.12 Other rights and services.

Nothing in this subpart shall be construed to entitle any person, as of right, to any service or to the disclosure of any record to which such person is not entitled under the FOIA.

Janet J. Brewer,

Senior Vice President, Chief Communications & Marketing Officer, Tennessee Valley Authority.

[FR Doc. 2017–18626 Filed 8–31–17; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0825]

Drawbridge Operation Regulation; Willamette River at Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Hawthorne Bridge across the Willamette River, mile 13.1, at Portland, OR. The deviation is necessary to accommodate the Race for the Cure event. This deviation allows the bridge to remain in the closed-to-navigation position to allow safe roadway movement of event participants.

DATES: This deviation is effective from 7 a.m. to noon on September 17, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0825 is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil*.

SUPPLEMENTARY INFORMATION: Multnomah County, bridge owner, has requested a temporary deviation from the operating schedule for the Hawthorne Bridge across the Willamette River, mile 13.1, at Portland, OR. The requested deviation is to accommodate the Race for the Cure event. To facilitate this event, the draw of the subject bridge will be allowed to remain in the closed-to-navigation position and need not open to marine traffic from 7 a.m. to noon on September 17, 2017. The Hawthorne Bridge provides a vertical clearance of 49 feet in the closed-to-navigation position referenced to the vertical clearance above Columbia River Datum 0.0. The normal operating schedule is in 33 CFR 117.897(c)(3)(v). Waterway usage on this part of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft. The Coast Guard provided notice of and requested objections to this deviation to local mariners via the Local Notice Mariners, and email. No objections were submitted to the Coast Guard.

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

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

Dated: August 25, 2017.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2017–18545 Filed 8–31–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0826]

Drawbridge Operation Regulation; Willamette River, Portland, OR

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Morrison Bridge across the Willamette River, mile 12.8, at Portland, Oregon. The deviation is necessary to accommodate Multnomah County's (bridge owner) replacement of the bridge decking. This deviation allows the bridge to only open half of the span, single leaf, to allow for the replacement of bridge decking. The deviation also allows the vertical clearance to be reduced due to the project's containment system.

DATES: This deviation is effective from 6 a.m. on September 5, 2017 through 7 p.m. on October 31, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0826 is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email Mr. Steven Fischer, Bridge Administrator, Thirteenth Coast Guard District; telephone 206–220–7282, email *d13-pf-d13bridges@uscg.mil*.

SUPPLEMENTARY INFORMATION: Multnomah County has requested that the Morrison Bridge across the Willamette River, mile 12.8, be allowed to only open half the span, 92 feet, as opposed to a full opening, 185 feet, to accommodate the replacement of the bridge decking. The county has also requested to reduce the vertical clearance of the non-functioning leaf with scaffolding erected 10 feet below the lower bridge cord for a containment system, and require at least a two hour advance notice for an opening. The Morrison Bridge is a double bascule bridge. When the bascule span is in the closed-to-navigation position, the bridge provides 69 feet of vertical clearance, which will be reduced to 59 feet with the containment system in place. The normal operating schedule for the Morrison Bridge is in accordance with 33 CFR 117.897(c)(3)(iv). The vertical clearance is above Columbia River Datum 0.0.

The deviation period is from 6 a.m. on September 5, 2017 through 7 p.m. on October 31, 2017. The deviation allows the Morrison Bridge operator to only open half the span for maritime traffic with at least a two hour advanced notice. Waterway usage on this part of the Willamette River includes vessels ranging from commercial tug and barge to small pleasure craft.

Vessels able to pass through the Morrison Bridge in the closed-to-navigation position may do so at any time. A tug will be provided, upon request, to assist vessels through the single leaf span opening. The bridge will be able to open half the span for emergencies with a two hour notice and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterways through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridges so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: August 25, 2017.

Steven M. Fischer,

Bridge Administrator, Thirteenth Coast Guard District.

[FR Doc. 2017–18546 Filed 8–31–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0822]

Drawbridge Operation Regulation; Narrow Bay, Brookhaven, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Smith Point Bridge across Narrow Bay, mile 6.1, at Brookhaven, New York. This deviation is necessary in order to facilitate the annual 5K Run for Literacy and allows the bridge to remain in the closed position for one hour.

DATES: This deviation is effective from 9 a.m. through 10 a.m. on September 9, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0822, is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary deviation, call or email James M. Moore, Bridge Management Specialist, First District Bridge Branch, U.S. Coast Guard; telephone 212–514–4334, email *James.M.Moore2@uscg.mil*.

SUPPLEMENTARY INFORMATION: The Smith Point Bridge, mile 6.1, across Narrow Bay, has a vertical clearance of 18 feet at mean high water and 19 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.799(d).

The temporary deviation will allow the Smith Point Bridge to remain closed from 9 a.m. through 10 a.m. on September 9, 2017. The waterway is used primarily by seasonal recreational vessels and occasional tug/barge traffic. Coordination with waterway users has indicated no objections to the proposed short-term closure of the draw.

Vessels that can pass under the bridge without an opening may do so at all times. The bridge will be able to open for emergencies. There is no alternate route for vessels to pass.

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

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

Dated: August 29, 2017.

Christopher J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2017–18576 Filed 8–31–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2017–0543]

RIN 1625–AA00

Safety Zone; Delaware River, Philadelphia, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for multiple fireworks events launched in the vicinity of Penn's Landing in Philadelphia, Pennsylvania for the waters of Delaware River, Philadelphia, PA. Enforcement of this safety zone is necessary and intended to enhance safety of life on navigable waters immediately prior to, during, and immediately after these fireworks events. During the enforcement periods, no vessel may enter in or transit this regulated area without approval from the Captain of the Port or a designated representative.

DATES: This rule is effective from September 3, 2017 to September 13, 2017.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2017–0543 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 MST2 Amanda Boone, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone (215) 271–4814, email *Amanda.N.Boone@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
§ Section
U.S.C. United States Code
COTP Captain of the Port

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary final 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 foregoing public comment with respect to this rule. Insufficient time remains to publish a Notice of Proposed Rule Making (NPMR) and allow for a public comment period before the events, which are scheduled to take place September 3, September 10, and September 13, 2017. The safety zone must be in effect on those dates in order to serve its purpose of ensuring the safety of spectators and the general public from hazards associated with the fireworks display. Hazards may include accidental discharge of fireworks, dangerous projectiles, and falling hot embers or other debris. For those reasons, it would be impracticable and contrary to the public interest to publish an NPRM.

For the reason discussed above, 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 the effective date would be contrary to the rule's objectives of ensuring safety of life on the navigable waters and protection of persons and vessels in the vicinity of the fireworks display. The events have been widely publicized in local media outlets.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Delaware Bay has determined that this temporary safety zone is necessary to enhance the safety of the public, spectators, vessels, and navigable waters immediately prior to, during, and immediately after these fireworks events.

IV. Discussion of the Rule

On September 3, September 10, and September 13, 2017 fireworks display events will take place in the vicinity of Penn's Landing in Philadelphia, PA. The Coast Guard is establishing a temporary safety zone in a portion of Delaware River, Philadelphia, PA to ensure the safety of persons, vessels, and the public during the event. The safety zone includes all waters of the Delaware River, adjacent to Penn's Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline commencing at latitude 39°56′31.2″ N., longitude 075°08′28.1″ W.; thence westward to latitude 39°56′29″.1 N., longitude 075°07′56.5″ W., and bounded on the north by the Benjamin Franklin Bridge where it crosses the Delaware River.

Access to this safety zone will be restricted during the specified date and time period. Only vessels or persons specifically authorized by the Captain of the Port Delaware Bay or designated representative may enter or remain in the regulated area. This safety zone will be enforced on September 3, September 10, and September 13, 2017 from 7:45 p.m. to 10:30 p.m. each day.

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

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

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

This regulatory action determination is based on the size, location, and duration of the safety zone. Vessel traffic will be unable to transit the safety zone for the duration of the fireworks events; however, this safety zone will impact a small designated area of the Delaware River, in Philadelphia, PA, for less than 2 hours during the fireworks events. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via

VHF–FM marine channel 16 regarding the safety zone; under the regulation vessel operators may request permission to enter the zone.

B. Impact on Small Entities

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

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal 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 it is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule adjusts rates in accordance with applicable statutory and regulatory mandates. It is categorically excluded under section 2.B.2, figure 2–1, paragraph 34(g) of the Instruction, which pertains to minor regulatory changes that are editorial or procedural in nature. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated in the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0543 to read as follows:

§ 165.T05–0543 Safety Zone; Delaware River; Philadelphia, PA.

(a) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer operating on board a Coast Guard vessel and or on board another Federal, State, or local law enforcement vessel assisting the Captain of the Port, Delaware Bay in the enforcement of the safety zone.

(b) *Location.* The following area is a security zone: all waters of the Delaware River, adjacent to Penn's Landing, Philadelphia, PA, bounded from shoreline to shoreline, bounded on the south by a line running east to west from points along the shoreline commencing at latitude 39°56′31.2″ N., longitude 075°08′28.1″ W.; thence westward to latitude 39°56′29″.1 N., longitude 075°07′56.5″ W., and bounded on the north by the Benjamin Franklin Bridge where it crosses the Delaware River.

(c) *Regulations.* (1) The general safety zone regulations found in § 165.23 apply to the safety zone created by this temporary section.

(2) Under the general safety zone regulations in § 165.23, persons may not enter the safety zone described in paragraph (b) of this section unless authorized by the COTP or the COTP's designated representative.

(3) To request permission to enter the safety zone, contact the COTP or the COTP's representative on VHF–FM channel 16. All persons and vessels 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 on September 3, 2017, September 10, 2017, and September 13, 2017 from 7:45 p.m. to 10:30 p.m. each day.

Dated: August 29, 2017.

Scott E. Anderson,

Captain, U.S. Coast Guard, Captain of the Port, Delaware Bay.

[FR Doc. 2017–18617 Filed 8–31–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 62

RIN 2900–AP61

Supportive Services for Veteran Families Program

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations that govern the Supportive Services for Veteran Families (SSVF) Program. This rulemaking clarifies VA's procedures for continuing to fund SSVF Program services in communities that have lost grants due to the non-renewal or termination of services of an existing award to a grantee. VA can now award the non-renewed or deobligated funds to other existing SSVF grantees in or near the affected community. This award of non-renewed or deobligated funds prevents potential access issues associated with grant termination. This rulemaking also reduces the number of satisfaction surveys grantees are required to provide to participants in order to reduce the burden on grantees and participants.

DATES: This final rule is effective October 2, 2017.

FOR FURTHER INFORMATION CONTACT: John Kuhn, National Center for Homelessness Among Veterans, Supportive Services for Veteran Families Program Office, 4100 Chester Avenue, Suite 200, Philadelphia, PA 19104, (877) 737–0111. (This is a toll-free number) *John.Kuhn2@va.gov*.

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on July 27, 2016, VA proposed to revise its regulations that addressed the Supportive Services for Veteran Families (SSVF) Program. 81 FR 49198. VA provided a 60-day comment period, which ended on September 26, 2016. We received 14 comments on the proposed rule. Section 2044 of title 38 U.S.C. requires the Secretary to provide financial assistance to eligible entities to provide and coordinate the provision of supportive services for very low-income veteran families occupying permanent housing. The Secretary's implementing regulations are in 38 CFR part 62, which established the SSVF Program. Through the SSVF Program, VA awards supportive services grants to private non-profit organizations or consumer cooperatives to provide or coordinate the provision of supportive services to very low-income veteran families who are residing in permanent housing and at risk of becoming homeless. The grants provide services to low-income families who are lacking a fixed, regular, and adequate nighttime residence, are at risk of remaining so but for grantee assistance, and scheduled to become residents of permanent housing within 90 days pending the location or development of housing suitable for permanent housing. The grants also provide services to low-income families who, after exiting permanent housing, are seeking other housing that is responsive to their needs and preferences. This rulemaking clarifies existing VA policy regarding award of non-renewed or deobligated funds to other existing SSVF grantees in or near the affected community where the funds were originally used in order to maintain continuity in the services offered to these communities. This rulemaking also reduces the number of satisfaction surveys grantees are required to provide to participants in order to reduce the burden on grantees and participants.

We received several comments in support of the proposed rule. One commenter stated that the proposed rule was ''needed from multiple perspectives, most importantly, in maintaining all momentum toward ending Veteran homelessness.'' A commenter stated that ''non-renewed and deobligated funds are critical to our community as we are seeing a strong inflow of newly homeless in our area.'' Another commenter stated that the proposed rule would eliminate the ''hoops to jump through and the grant will still be awarded to those who qualify.'' A commenter agreed that reducing the number of surveys would yield a higher response rate. Lastly, a commenter stated that the proposed changes ''are reasonable and would make an effective program more so.'' We thank the commenters for supporting the rule.

One commenter recommended that VA revise the proposed rule to ''take into account the impact of unexpected need, such as occurs in natural disasters where Federal Disaster Area designation is affirmed.'' The commenter further recommended that VA distribute SSVF grant assistance to grantees serving in Federal disaster areas to assist veterans in need or who are displaced from their homes or become homeless ''due to a natural disaster, regardless of whether the Veteran family meets the income eligibility requirements of SSVF.'' Additionally, VA should focus the availability of SSVF funds to those veterans who were impacted by a natural disaster and do not have sufficient resources to relocate to ''new housing because of trauma, an inability to access records, and/or an inability to access personal resources.'' As previously stated in this rulemaking 38 U.S.C. 2044 is the authority that establishes the SSVF program. Under this program, VA may only provide assistance to very low-income veteran families. Section 2044(f)(6) defines ''very low-income veteran family'' to mean ''a veteran family whose income does not exceed 50 percent of the median income for an area'' as determined by VA. Because the SSVF funds are limited, VA cannot use these funds to assist veteran families that do not otherwise meet the eligibility criteria under section 2044. Also, the loss of SSVF funds would adversely affect the veterans being served in the community whose deobligated funds were lost due to the funds being transferred to a different community that was affected by a natural disaster. We are not making any edits based on this comment.

Several commenters suggested that VA reconsider the requirement that 60% of funding support rapid re-housing of homeless veterans and 40% may be used for prevention of homelessness in rural communities and instead allow an even 50/50 split of funding because the needs for homeless veteran families in rural communities differ from those in urban settings. The commenters further stated that there is a housing shortage and it is difficult to use all of the SSVF funds, ''particularly when Veterans who are in danger of literal homelessness present to our program and we are unable to assist them due to the 60/40 mandate. If that mandate was to be lifted, and we could focus a larger pool of resources on prevention, fewer of our clients would cycle back through as RRH.'' Under section 2044(a)(4), SSVF

has an obligation to give preference to ''entities providing or coordinating the provision of supportive services for very low-income veteran families who are transitioning from homelessness to permanent housing.'' The 60/40 requirement in the current Notice of Fund Availability (NOFA) means that a minimum of 60% of SSVF funds can be used for supporting rapid re-housing of homeless veterans and a maximum of 40% of SSVF funds can be used for prevention. Where the local needs of homeless veterans have been met, the NOFA has a process in place so communities can ask for a waiver of the 60/40 split of temporary financial assistance. (See December 7, 2016 NOFA, section V.B.3(a): ''Waivers to this 60 percent requirement may be requested when grantees can demonstrate significant local progress towards eliminating homelessness in the target service area. Waiver requests must include data from authoritative sources such as USICH certification that a community has ended homelessness as defined by Federal Benchmarks and Criteria or have reached Community Solution's Functional Zero. Waivers for the 60 percent requirement may also be requested for services provided to rural Indian tribal areas and other rural areas where shelter capacity is insufficient to meet local need. Waiver requests must include an endorsement by the impacted CoC explicitly stating that a shift in resources from rapid rehousing to prevention will not result in an increase in homelessness.''). The waiver would allow for an increased spending on prevention. However, any amendment to this requirement is beyond the scope of the proposed rule. We are not making any edits based on this comment.

A commenter suggested that VA allow SSVF grantees to use funds to assist veterans who have been rated by VA as 100% service-connected disabled, are homeless, and over the income limit for the SSVF, because these veterans would benefit from the ''intensive case management services to navigate through their housing issues.'' SSVF funds may only be used to assist veteran families that meet the eligibility criteria in 38 U.S.C. 2044. By law, VA cannot use SSVF funds to assist veterans that are over the income limits of 38 U.S.C. 2044(f). However, homeless veterans who do not qualify for the SSVF program may receive assistance under the VA homeless providers grant and per diem program, part 61 of 38 CFR. This comment is beyond the scope of the proposed rule and we are not making any edits based on this comment.

Several commenters suggested that VA use SSVF funds to include aftercare case management, which would ''be classified as continuing case management after the veteran is housed and/or case management after the veteran is exited from SSVF services.'' SSVF is designed to resolve a veteran's household's housing crisis. Grantees make the decision when to exit a veteran's household from the SSVF program based on the household's ability to achieve housing stability. Longer term supports and case management are outside of the scope of SSVF program and grantees need to link participants to other VA resources that address veteran homelessness or to community health care and social services. Amendments to SSVF services are beyond the scope of the proposed rule. We are not making any edits based on this comment.

A commenter stated that the SSVF program guidelines can create barriers to providing services ''due to the strict documentation requirements and extensive intake process.'' The commenter recommended that VA allow concessions and latitude to case managers so that the lack of documentation provided by a veteran does not become an exclusionary factor to receive SSVF assistance. SSVF allows for a variety of substitutes for documentation requirements, including, at times, self-certification. However, VA has a fiduciary responsibility to ensure that those enrolled in services are eligible and grantees adequately document the services provided. This comment is beyond the scope of the proposed rule and we are not making any edits based on this comment.

Another commenter indicated that it would be helpful if the rule included a ''basic overview of the scoring criteria used in making decisions'' for granting SSVF funds. The scoring criteria for supportive services grant applicants is found in 38 CFR 62.22, which we did not propose to amend in the proposed rule. Additionally, the scoring criteria for grantees applying for renewal of supportive services grants is found in 38 CFR 62.24, which we also did not propose to amend in the proposed rule. We are not making any edits based on this comment.

One commenter stated that reducing the number of satisfaction surveys would not yield a higher response rate. We respectfully disagree with the commenter and believe that reducing the number of satisfaction surveys might prompt participants of the SSVF to provide feedback of their experience with the program upon completion of the program. We are not making any edits based on this comment.

One commenter stated that proposed 38 CFR 62.36 should be further amended to state that ''there should be a mail in option for Veterans who do not have access to email or internet.'' Another commenter stated that older veterans did not want to create an email account for submitting the satisfaction surveys. VA is aware that not all veterans are able to submit the survey electronically and is also aware of the limitation of electronic submissions for the survey. For this reason, we have added a phone-based survey option for fiscal year 2017. We are not making any edits based on this comment.

A commenter stated that limiting the SSVF grant to ''a 10% base admin rate is creating large deficits to the non-profits and sub-grantees who implement the program.'' The commenter suggested that VA allow the use of ''a non-profit's allowable federal rate (typically around 15%) as a standard for both the grantee and sub-grantees.'' The commenter also stated that some sub-grantees have abandoned the SSVF grant due to losses the non-profits bear in administering the SSVF program. The limitations on costs for the administration of the SSVF program are stated in 38 CFR 62.10 and 62.70, which we did not propose to amend in the proposed rule. Any change to the limitations on administrative costs is beyond the scope of the proposed rule. We are not making any edits based on this comment.

A commenter said that limiting a veteran household to a single option of moving or storage expenses is counterintuitive because stored items will need to be moved from the storage facility to the new domicile once the domicile becomes available. The commenter asks ''that these two costs be allowed as separate eligible expenses for each veteran household (as needed).'' Veterans may receive both types of assistance under the current regulation. Section 62.34 addresses other supportive services, which includes moving costs under paragraph (d). Paragraph (d)(2) states that moving costs assistance includes ''reasonable moving costs, such as truck rental, hiring a moving company, or short-term storage fees for a maximum of 3 months or until the participant is in permanent housing, whichever is shorter.'' The storage of household items and the transportation of these items to the new domicile are two separate services that are included as part of the moving costs. Also, we did not propose to amend section 62.34 in the proposed rule and so any changes to this section are beyond the scope of the

proposed rule. We make no edits based on this comment.

A commenter said that the SSVF no longer covers the payment of property debt, which includes arrears and damages. However, that is incorrect: 38 CFR 62.34(a)(1) states, ''rental assistance may be for rental payments that are currently due or are in arrears, and for the payment of penalties or fees incurred by a participant and required to be paid by the participant under an existing lease or court order.'' Also, we did not propose to amend section 62.34 in the proposed rule and so any edits to this section are beyond the scope of the proposed rule. We are not making any edits based on this comment.

A commenter supported the rule, but stated that ''if this assessment and reallocation of funding occurs in real time (*i.e.,* quarterly benchmarks during the grant year) this creates a new burden on the grantees by not giving the necessary flexibility to spend appropriately based on each veteran household's needs or the seasonal enrollment spikes that occur throughout the grant year.'' VA has the capacity to sweep funds on a quarterly basis as stated in the grant agreement between VA and the grantee. Prior to any sweep, VA would review the funds with the grantee to assess the needs of the community. We are not making any edits based on this comment.

We are making a technical edit to 38 CFR 62.25. Proposed paragraph (d)(1) stated in part that ''Such applicant or grantee must have the capacity and agree to provide immediate services to the affected community.'' We are amending this sentence by deleting the term ''immediate'' and replacing it with ''prompt'' to make this term consistent with language used in existing program materials. We are making a similar edit to 38 CFR 62.80(d)(2)(i). We are also clarifying in § 62.25(d)(1) and § 62.80(d)(2)(i) that the grantee in the last sentence of each paragraph is the grantee who is offered the additional funds. The sentence as it was written in the proposed rule left some ambiguity as to who we were referencing. We are not making any edits to the meaning of the language in the proposed rule.

Based on the rationale set forth in the Supplementary Information to the proposed rule and in this final rule, VA is adopting the proposed rule with the edits discussed in the previous paragraph.

Effect of Rulemaking

Title 38 of the Code of Federal Regulations, as revised by this final rulemaking, represents VA's implementation of its legal authority on this subject. Other than future amendments to this regulation or governing statutes, no contrary guidance or procedures are authorized. All existing or subsequent VA guidance must be read to conform with this rulemaking if possible or, if not possible, such guidance is superseded by this rulemaking.

Paperwork Reduction Act

This action contains provisions constituting collections of information, at 38 CFR 62.36, under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521). The information collection requirements for § 62.36 are currently approved by the Office of Management and Budget (OMB) and have been assigned OMB control number 2900–0757. However, this regulatory action includes a provision reducing the number of surveys used for this collection from 2 to 1. VA estimates the number of responses for the information collection will decrease from 5,625 to 2,813. VA is in the process of recertifying this collection number under a separate action.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule does not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). This final rule only impacts those entities that choose to participate in the SSVF Program. Small entity applicants will not be affected to a greater extent than large entity applicants. Small entities must elect to participate, and it is considered a benefit to those who choose to apply. To the extent this final rule has any impact on small entities, it will not have an impact on a substantial number of small entities. Therefore, under 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of section 603 and 604.

Executive Order 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' requiring review by OMB, unless OMB waives such review, as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www.va.gov/orpm/,* by following the link for ''VA Regulations Published From FY 2004 Through Fiscal Year to Date.''

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance Program

The Catalog of Federal Domestic Assistance numbers and titles for the programs affected by this document are 64.009, Veterans Medical Care Benefits, and 64.033, VA Supportive Services for Veteran Families Program.

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 28, 2017, for publication.

List of Subjects in 38 CFR Part 62

Administrative practice and procedure, Day care, Disability benefits, Government contracts, Grant programs—health, Grant programs—housing and community development, Grant programs—veterans, Heath care, Homeless, Housing, Indian—lands, Individuals with disabilities, Low and moderate income housing, Manpower training program, Medicare, Medicaid, Public assistance programs, Public housing, Relocation assistance, Rent subsidies, Reporting and recordkeeping requirements, Rural areas, Social security, Supplemental Security Income (SSI), Travel and transportation expenses, Unemployment compensation.

Dated: August 29, 2017.

Janet Coleman,

Chief, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs is amending 38 CFR part 62 as follows:

PART 62—SUPPORTIVE SERVICES FOR VETERAN FAMILIES PROGRAM

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

Authority: 38 U.S.C. 501, 2044, and as noted in specific sections.

■ 2. Amend § 62.25 by adding paragraph (d) to read as follows:

§ 62.25 Selecting grantees for renewal of supportive services grants.

* * * * *

(d) At its discretion, VA may award any non-renewed funds to an applicant or existing grantee. If VA chooses to award non-renewed funds to an applicant or existing grantee, funds will be awarded as follows:

(1) VA will first offer to award the non-renewed funds to the applicant or grantee with the highest grant score under the relevant Notice of Fund Availability that applies for, or is awarded a renewal grant in, the same community as, or a proximate community to, the affected community. Such applicant or grantee must have the capacity and agree to provide prompt services to the affected community. Under this § 62.25, the relevant Notice of Fund Availability is the most recently published Notice of Fund Availability which covers the geographic area that includes the affected community, or for multi-year grant awards, the Notice of Fund Availability for which the grantee, who is offered the additional funds, received the multi-year award.

(2) If the first such applicant or grantee offered the non-renewed funds refuses the funds, VA will offer to award the funds to the next highest-ranked such applicant or grantee, per the criteria in paragraph (d)(1) of this section, and continue on in rank order until the non-renewed funds are awarded.

* * * * *

■ 3. Amend § 62.36 by revising paragraph (c)(2) to read as follows:

§ 62.36 General operation requirements.

* * * * *

(c) * * *

(2) The grantee must provide each participant with a satisfaction survey, which the participant can submit directly to VA, within 30 days of such participant's pending exit from the grantee's program.

* * * * *

■ 4. Amend § 62.80 by revising paragraph (d)(2) to read as follows:

§ 62.80 Withholding, suspension, deobligation, termination, and recovery of funds by VA.

* * * * *

(d) * * *

(2) At its discretion, VA may re-advertise in a Notice of Fund Availability the availability of funds that have been deobligated under this section or award deobligated funds to an applicant or existing grantee. If VA chooses to award deobligated funds to an applicant or existing grantee, funds will be awarded as follows:

(i) VA will first offer to award the deobligated funds to the applicant or grantee with the highest grant score under the relevant Notice of Fund Availability that applied for or was awarded funds in the same community as, or proximate community to, the affected community. Such applicant or grantee must have the capacity and agree to provide prompt services to the affected community. Under this section the relevant Notice of Fund Availability is the most recently published Notice of Fund Availability which covers the geographic area that includes the affected community, or for multi-year grant awards, the most recently published Notice of Fund Availability which covers the geographic area that includes the affected community for which the grantee, who is offered the additional funds, received the multi-year award.

(ii) If the first such applicant or grantee offered the deobligated funds refuses the funds, VA will offer to award funds to the next highest-ranked such applicant or grantee, per to the criteria in paragraph (d)(2)(i) of this section, and continue on in rank order until all deobligated funds are awarded.

* * * * *

[FR Doc. 2017–18574 Filed 8–31–17; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R01–OAR–2017–0025; FRL–9967–29–Region 1]

Air Plan Approval; Rhode Island; Reasonably Available Control Technology for US Watercraft, LLC; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of an adverse comment, the Environmental Protection Agency (EPA) is withdrawing the July 3, 2017, direct final rule approving a State Implementation Plan (SIP) revision submitted by the State of Rhode Island. The revision consists of a reasonably available control technology (RACT) approval for a volatile organic compound (VOC) emission source in Rhode Island, specifically, US Watercraft, LLC. This action is being taken in accordance with the Clean Air Act.

DATES: The direct final rule published on July 3, 2017 (82 FR 30747), is withdrawn effective September 1, 2017.

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

SUPPLEMENTARY INFORMATION: In the direct final rule, EPA stated that if adverse comments were submitted by August 2, 2017, the rule would be withdrawn and not take effect. EPA received an adverse comment prior to the close of the comment period and, therefore, is withdrawing the direct final rule. EPA will address the comment in

a subsequent final action based upon the proposed rule also published on July 3, 2017 (82 FR 30815). EPA will not institute a second comment period on this action.

List of Subjects in 40 CFR Part 52

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

Dated: August 10, 2017.

Deborah A. Szaro,

Acting Regional Administrator, EPA New England.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ Accordingly, the amendments to 40 CFR 52.2070 published in the **Federal Register** on July 3, 2017 (82 FR 30747) on page 30749 are withdrawn effective September 1, 2017.

[FR Doc. 2017–18618 Filed 8–31–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2016–0513; FRL–9967–17–Region 5]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is redesignating the Indiana portion of the Cincinnati-Hamilton, OH-IN-KY, nonattainment area (hereafter, ''the Cincinnati-Hamilton area'') to attainment for the 1997 fine particulate matter ($PM_{2.5}$) annual national ambient air quality standard (NAAQS or standard). The Indiana portion of the Cincinnati-Hamilton area includes Lawrenceburg Township within Dearborn County. Because EPA has determined that the Cincinnati-Hamilton area is attaining this annual $PM_{2.5}$ standard, EPA is redesignating the area to attainment and also approving several additional related actions. First, EPA is approving an update to the Indiana State implementation plan (SIP) by updating the state's approved plan for maintaining the 1997 annual $PM_{2.5}$ NAAQS through 2027. In addition, EPA previously approved the base year emissions inventory for the Cincinnati-Hamilton area, and is approving Indiana's updated emissions inventory which includes emissions inventories for volatile organic compounds (VOCs) and ammonia. Indiana's approved maintenance plan submission also includes a budget for the mobile source contribution of $PM_{2.5}$ and nitrogen oxides (NO_X) to the Cincinnati-Hamilton area for transportation conformity purposes, which EPA is approving. EPA is taking these actions in accordance with the Clean Air Act (CAA) and EPA's implementation rule regarding the 1997 $PM_{2.5}$ NAAQS.

DATES: This final rule is effective September 1, 2017.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2016–0513. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Michelle Becker, Life Scientist, at (312) 886–3901 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Michelle Becker, Life Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3901, *becker.michelle@epa.gov*.

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

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

I. Background

On August 19, 2016, Indiana submitted a request to EPA to redesignate the Cincinnati-Hamilton area to attainment for the 1997 $PM_{2.5}$ annual standard, and to approve updates to the maintenance plan for the area. In an action published on June 22, 2017 (82 FR 28435), EPA proposed to redesignate the area and approve several actions related to the redesignation (82 FR 28435). Additional background and details regarding this final action can be found in the June 22, 2017, proposed rule. The comment period for this proposed rulemaking closed on July 24, 2017. No comments were received for this proposed rule.

II. What action is EPA taking?

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

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

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

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

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

[1] CAA section 175A(a) establishes the requirements that must be fulfilled by

Continued

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

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for these actions to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction,'' and section 553(d)(3), which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rulemaking, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the state of planning requirements for this $PM_{2.5}$ nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for these actions to become effective on the date of publication of these actions.

nonattainment areas in order to be redesignated to attainment. That section only requires that nonattainment areas for the *primary* standard submit a plan addressing maintenance of the *primary* NAAQS in order to be redesignated to attainment; it does not require nonattainment areas for secondary NAAQS to submit maintenance plans in order to be redesignated to attainment. (*See* 42 U.S.C. 7505a(a).)

III. Statutory and Executive Order Reviews

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

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

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on tribes, impact any existing sources of air pollution on tribal lands, nor impair the maintenance of ozone national ambient air quality standards in tribal lands.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 31, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: August 21, 2017.

Robert A. Kaplan,

Acting Regional Administrator, Region 5.

40 CFR part 52 and 81 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart P—Indiana

■ 2. Section 52.776 is amended by revising paragraph (w)(3) to read as follows:

§ 52.776 Control strategy: Particulate matter.

* * * * *

(w) * * *

(3) Indiana's 2005 NO_X, directly emitted $PM_{2.5}$, and SO_2 emissions inventory; and 2007 VOCs and ammonia emissions inventory, satisfy the emissions inventory requirements of section 172(c)(3) for the Cincinnati-Hamilton area.

* * * * *

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. Section 81.315 is amended by revising the entry for Cincinnati-Hamilton, IN in the table entitled ''Indiana—1997 Annual $PM_{2.5}$ NAAQS'' to read as follows:

§ 81.315 Indiana.

* * * * *

INDIANA—1997 ANNUAL $PM_{2.5}$ NAAQS

[Primary and Secondary]

Designated area	Designation [a]		Classification	
	Date [1]	Type	Date [2]	Type
* * *	*	*	*	*
Cincinnati-Hamilton, IN:				
Dearborn County (part): Lawrenceburg Township	September 1, 2017	Attainment		
* * *	*	*	*	*

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.
[2] This date is July 2, 2014, unless otherwise noted.

* * * * *

[FR Doc. 2017–18498 Filed 8–31–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WT Docket No. 15–180; DA 16–900]

First Amendment to Collocation Agreement

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Wireless Telecommunications Bureau (WTB or Bureau) of the Federal Communications Commission (FCC or Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, certain information collection requirements associated with Stipulation VII.C of the amendment to Appendix B in part 1 of the Commission's rules. This notice is consistent with the final rule notice published in the **Federal Register** on August 29, 2016, announcing the *First Amendment to the Collocation Agreement* amending the *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas* (Collocation Agreement), which stated that the Commission would publish a document in the **Federal Register** announcing OMB approval and the effective date of the new information collection requirements.

DATES: 47 CFR part 1, Appendix B, Stipulation VII.C, published at 81 FR 59146, August 29, 2016, is effective on September 1, 2017.

FOR FURTHER INFORMATION CONTACT: For additional information, contact Cathy Williams by email at *Cathy.Williams@fcc.gov* and telephone at (202) 418–2918.

SUPPLEMENTARY INFORMATION: This document announces that, on July 14, 2017, OMB approved certain information collection requirements contained in the Commission's *First Amendment to the Collocation Agreement,* DA 16–900, published at 81 FR 59146, August 29, 2016. The OMB Control Number is 3060–1238. The Commission publishes this notice as an announcement of the effective date of these information collection requirements.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received OMB approval on July 14, 2017, for the new information collection requirements contained in the Commission's rules at 47 CFR part 1, Appendix B, Stipulation VII.C. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1238. The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1238.

OMB Approval Date: July 14, 2017.

OMB Expiration Date: July 31, 2020.

Title: First Amendment to Nationwide Programmatic Agreement for the Collocation of Wireless Antennas.

Form Number: N/A.

Respondents: Business or other for-profit entities, not-for-profit institutions, and State, local, or Tribal governments.

Number of Respondents and Responses: 71 respondents; 765 responses.

Estimated Time per Response: 1 hour–5 hours.

Frequency of Response: Third-party disclosure reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in sections 1, 2, 4(i), 7, 301, 303, 309, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 157, 301, 303, 309, 332, and section 106 of the National Historic Preservation Act of 1966, 54 U.S.C. 306108.

Total Annual Burden: 2,869 hours.

Total Annual Cost: $82,285.

Nature and Extent of Confidentiality: No known confidentiality between third parties.

Privacy Act Impact Assessment: There are no impacts under the Privacy Act.

Needs and Uses: The Commission requested OMB approval for new disclosure requirements pertaining to the *First Amendment to Nationwide Programmatic Agreement for the Collocation of Wireless Antennas* (First Amendment) to address the review of deployments of small wireless antennas and associated equipment under section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 306108 (formerly codified at 16 U.S.C. 470f). The FCC, the Advisory Council on Historic Preservation (Council), and the National Conference of State Historic Preservation Officers (NCSHPO) agreed to amend the *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas* (Collocation Agreement) to account for the limited potential of small wireless antennas and associated equipment, including Distributed Antenna Systems (DAS) and small cell facilities, to affect historic properties. The Collocation Agreement addresses historic preservation review for collocations on existing towers, buildings, and other non-tower structures. Under the Collocation Agreement, most antenna collocations on existing structures are excluded from section 106 historic preservation review, with a few exceptions defined to address potentially problematic situations. On August 3, 2016, the Commission's Wireless Telecommunications Bureau, ACHP, and NCSHPO finalized and executed the First Amendment to the Collocation Agreement, to tailor the Section 106 process for small wireless deployments by excluding deployments that have minimal potential for adverse effects on historic properties.

The following are the information collection requirements in connection with the amended provisions of Appendix B of Part 1 of the Commission's rules (47 CFR pt.1, App. B):

- Stipulation VII.C of the amended Collocation Agreement provides that proposals to mount a small antenna on a traffic control structure (*i.e.,* traffic light) or on a light pole, lamp post or other structure whose primary purpose is to provide public lighting, where the structure is located inside or within 250 feet of the boundary of a historic district, are generally subject to review through the section 106 process. These proposed collocations will be excluded from such review on a case-by-case basis, if (1) the collocation licensee or the owner of the structure has not received written or electronic notification that the FCC is in receipt of a complaint from a member of the public, an Indian Tribe, a SHPO or the Council, that the collocation has an adverse effect on one or more historic properties; and (2) the structure is not historic (not a designated National Historic Landmark or a property listed in or eligible for listing in the National Register of Historic Places) or considered a contributing or compatible element within the historic district, under certain procedures. These procedures require that applicant must request in writing that the SHPO concur with the applicant's determination that the structure is not a contributing or compatible element within the historic district, and the applicant's written request must specify the traffic control structure, light pole, or lamp post on which the applicant proposes to collocate and explain why the structure is not a contributing element based on the age and type of structure, as well as other relevant factors. The SHPO has thirty days from its receipt of such written notice to inform the applicant whether it disagrees with the applicant's determination that the structure is not a contributing or compatible element within the historic district. If within the thirty-day period, the SHPO informs the applicant that the structure is a contributing element or compatible element within the historic district or that the applicant has not provided sufficient information for a determination, the applicant may not deploy its facilities on that structure without completing the Section 106 review process. If, within the thirty-day period, the SHPO either informs the applicant that the structure is not a contributing or compatible element within the historic district, or the SHPO fails to respond to the applicant within the thirty-day period, the applicant has no further Section 106 review obligations, provided that the collocation meets the certain volumetric and ground disturbance provisions. The First Amendment to the Collocation Agreement establishes new exclusions from the section 106 review process for physically small deployments like DAS and small cells, fulfilling a directive in the Commission's *Infrastructure Report and Order,* 80 FR 1238, Jan. 8, 2015, to further streamline review of these installations. These new exclusions will reduce the cost, time, and burden associated with deploying small facilities in many settings, and provide opportunities to increase densification at low cost and with very little impact on historic properties. Facilitating these deployments thus directly advances efforts to roll out 5G service in communities across the country.

Federal Communications Commission.

Amy Brett,

Associate Chief, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau.

[FR Doc. 2017–18565 Filed 8–31–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 22, 24, 27, 30, 74, 80, 90, 95, and 101

[WT Docket No. 10–112; FCC 17–105]

Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission adopts rules to streamline and harmonize the Commission's license renewal and service continuity rules for the Wireless Radio Services (WRS). This unified regulatory framework includes: establishing a consistent standard for renewing wireless licenses; setting forth safe harbors providing expedited renewal for licensees that meet their initial term construction requirement and generally remain operating at or above that level; adopting consistent

service continuity rules, which provide for automatic termination of any license on which a licensee permanently discontinues service or operation; eliminating unnecessary, legacy ''comparative renewal rules''; and requiring that when portions of geographic licenses are sold, both parties to the transaction have a clear construction obligation and penalty in the event of failure, closing a loophole used to avoid the Commission's construction requirements. This action will enhance competition and facilitate robust use of the nation's scarce spectrum resources.

DATES: Effective October 2, 2017, except for the amendments to §§ 1.949, 1.950, and 1.953, which contain information collection requirements that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), and which the Commission will announce by publishing a document in the **Federal Register**. The amendments to paragraphs (e), (q)(7), (r)(6), (s)(6), and (t)(6) of § 27.14 will become effective after OMB review and approval of § 1.949, which the Commission will announce by publishing a document in the **Federal Register**; and the amendments to §§ 22.317, 22.947, 27.17, 30.106, 74.632, 90.157, 90.631, and 101.65 will become effective after OMB review and approval of § 1.953, and which the Commission will announce by publishing a document in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Joyce Jones at *joyce.jones@fcc.gov,* of the Wireless Telecommunications Bureau, Mobility Division, (202) 418–1327. For additional information concerning the PRA information collection requirements contained in this document, contact Cathy Williams at (202) 418–2918 or send an email to *PRA@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Second Report and Order (*Order*) in WT Docket No. 10–112, FCC 17–105, released on August 3, 2017. The complete text of the *Order,* including all Appendices, is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street SW., Room CY–A157, Washington, DC 20554, or by downloading the text from the Commission's Web site at *https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-105A1.pdf*.

Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *FCC504@fcc.gov* or calling the Consumer and Government Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

The Commission will send a copy of the *Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

I. Second Report and Order

A. Renewal Requirements for Wireless Radio Services

1. Commission licensing records reflect that, over the next 10 years, the Commission can expect more than 50,000 renewal applications to be filed by geographic-area licensees and more than 625,000 by site-based licensees. By its *Order,* the Commission implements standardized renewal requirements and expeditious renewal procedures, while continuing to ensure that licenses are renewed in the public interest as required by the Communications Act of 1934, as amended (Act). The Commission finds that adoption of uniform renewal rules will promote the efficient use of spectrum resources, serve the public interest by providing licensees certainty regarding their license renewal requirements, encourage licensees to invest in new facilities and services, and facilitate their business and network planning.

2. The Commission's current renewal requirements vary widely. Some service rules include comprehensive filing and processing procedures, while others contain only minimal guidance. For example, some radio services have evaluation criteria for a renewal applicant involved in a comparative renewal proceeding but no procedures for filing competing applications. Some services require a detailed showing that the licensee has provided substantial service during the license term. The renewal rules for some of the Commission's newer services generally require the licensee to be providing service or operating on an ongoing basis, after construction, during the license term.

3. In an *NPRM* released on May 25, 2010 (WT Docket No. 10–112) (*WRS Reform NPRM*), the Commission proposed to adopt renewal requirements for numerous Wireless Radio Services based on the Commission's model for the 700 MHz Commercial Services Band licensees. Under this three-part approach: (1) Renewal applicants would file a detailed renewal showing, demonstrating that they are providing service to the public (or, when allowed under the relevant service rules or pursuant to waiver, using the spectrum for private, internal communications) and substantially complying with the Commission's rules (including any applicable performance requirements) and policies and the Act; (2) competing renewal applications would be prohibited; and (3) if a license is not renewed, the associated spectrum would be returned to the Commission for reassignment. For services licensed by site, the Commission proposed to modify the first part of this approach by requiring affected licensees to certify that they are continuing to operate consistent with their applicable construction notification(s) or authorization(s) (where the filing of construction notifications is not required), rather than making a renewal showing.

4. *Renewal Standard.* The Commission adopts a unified renewal standard for most Wireless Radio Services licensees, both geographic and site-based. A clear, consistent standard will promote the efficient use of spectrum resources and will serve the public interest by providing licensees certainty regarding their renewal requirements. To qualify for renewal, each WRS licensee must demonstrate that over the course of its license term, the licensee either: (1) Provided and continues to provide service to the public, taking into account the periods of time the applicable service-specific rules give licensees to construct facilities and meet performance benchmarks, or (2) operated and continues to operate over the course of the license term to address the licensee's private, internal communications needs, again taking into account the periods of time the applicable service-specific rules give licensees to construct facilities and meet performance benchmarks.

5. More specifically, for renewal at the end of an initial license term, the licensee must demonstrate that it timely constructed to any level(s) required by the service-specific rules and, thereafter, consistent with the Commission's permanent discontinuance rules, continuously provided service or operated at or above the required level(s) for the remainder of the license term. For subsequent renewals, the licensee must demonstrate that, over the license term at issue, it continuously provided service to the public or operated under the license to meet the licensee's private, internal communications needs, at or above the level required to meet the final construction requirement during the initial term of the license. In all events, the licensee also must certify that its service or operations are continuing. This requirement is reflected in the new

§ 1.949 the Commission adopts today, which replaces separate renewal rules for each service in various rule parts, as reflected in the final rules.

6. The renewal standard the Commission adopts today follows the approach the Commission adopted in many of its proceedings for new wireless services over the past decade. Beginning with the *700 MHz First Report and Order* in 2007 (WT Docket No. 06–150), and continuing to the 2016 *600 MHz Report and Order* (GN Docket No. 12–268), the Commission has established that licensees ''must demonstrate that they are providing adequate levels of service over the course of their license terms.'' Most recently, the Commission applied the same principles in the *Spectrum Frontiers Report and Order* (GN Docket No. 14–177), concluding that Upper Microwave Flexible Use Service (UMFUS) licensees would meet the renewal standard in their initial license terms if they met certain performance benchmarks and were ''using [their] facilities to provide service.'' For subsequent license terms, the Commission concluded that it would ''award a renewal expectancy for subsequent license terms if the licensee continues to provide at least the initially-required level of service through the end of any subsequent license terms.'' Today, the Commission applies that policy across the board to most WRS licenses, finding that these renewal requirements are in the public interest and their benefits outweigh any likely costs.

7. As the Commission has stated in a number of decisions, a licensee's renewal obligations are distinct from its performance (also known as construction or buildout) requirements. Many of the Commission's specific service rules require performance showings to be made at the midpoint and end of an initial license term regarding population or area covered. For some services, licensees must demonstrate, or may elect to demonstrate, substantial service as their performance requirement during their initial license term. Under the Commission's performance requirement rules, a licensee generally provides a snapshot in time (usually a date in close proximity to, but no later than, the construction deadline) of the level of service that it is providing to the public or its level of operation. By contrast, the showing for renewal—also sometimes referred to as a substantial service showing—requires more detailed information regarding a licensee's services or operations and related matters for its entire license period. Thus, under the Commission's current rules, those licensees with a substantial service performance requirement at the end of their initial license term are subject to two distinct substantial service requirements, one to support their renewal application and one for performance purposes. The renewal standard the Commission adopts today and the accompanying discussion should make it more readily apparent to licensees that the showing required for renewal is distinct from the showing required to meet a performance requirement.

8. As the Commission stated in the *WRS Reform NPRM,* the Wireless Radio Services that are licensed by rule or on a ''personal'' basis or that have no construction/performance obligation are beyond the scope of this proceeding and are not encompassed within the renewal policies the Commission adopts today. Similarly, these policies do not extend to public safety licenses issued based on the applicant demonstrating eligibility under §§ 90.20 or 90.529, or public safety licenses issued in conjunction with a waiver pursuant to section 337 of the Act. The Commission also excludes the Educational Broadband Service (EBS) from application of the renewal requirements articulated in the *Order* since this service presents unique issues that are under consideration in a separate, comprehensive EBS rulemaking proceeding (*See* WT Docket No. 03–66).

9. In contrast, the Commission finds it is no longer necessary to provide any sort of modified renewal requirements for Broadband Radio Service (BRS) licensees as the Commission had proposed in the *WRS Reform NPRM.* Given that the BRS transition, which began in 2010, is now complete, the Commission concludes that the BRS is appropriately included within the overall renewal framework now. The Commission also rejects Motorola's request that the partitioned and/or disaggregated Part 80 VHF Public Coast (VPC) Service spectrum it acquired for the purpose of promoting public safety and private land mobile systems be excluded from application of the Commission's generally applicable renewal framework. The Commission is not persuaded that the characteristics of the Motorola-held VPC Service spectrum and its planned usage warrant different treatment from other WRS licenses regarding the renewal rules, and thus the Commission does not grant the exception from the renewal policies sought by Motorola.

10. *Implementation of Renewal Standard.* Many commenters express concern that the renewal framework proposed in the *WRS Reform NPRM* would cause uncertainty in the renewal process and create undue administrative burdens for licensees and Commission staff. Some commenters suggest that the Commission apply a certification process for all renewal applications. Other commenters suggest that the Commission should adopt some form of a safe harbor.

11. The Commission agrees that clearer and more certain renewal processes will benefit both licensees and the Commission and concludes that adopting a set of safe harbors—based on licensee certifications—will serve the public interest by reducing filing burdens on licensees and concentrating scarce Commission resources on reviewing renewal filings that warrant close scrutiny. Accordingly, the Commission adopts four safe harbors to accommodate four license renewal scenarios by which a renewal applicant can meet the renewal standard adopted in this *Order.* These license renewal safe harbors are for (1) site-based licenses; (2) wireless providers using geographic licenses; (3) private systems using geographic licenses; and (4) partitioned or disaggregated licenses without a performance requirement. In a future proceeding, the Commission may consider additional safe harbors as necessary and warranted. If a licensee is unable to meet the requirements of one of the enumerated safe harbors, the licensee must make a more detailed ''renewal showing'' as part of its renewal application; the requirements for a renewal showing are described following the discussion of the renewal safe harbors.

12. Each safe harbor scenario is based on three certifications, which are subject to the Form 601 condition that ''[w]illful false statements made on this form or any attachments are punishable by fine and/or imprisonment (18 U.S.C. 1001) and/or revocation of any station license or construction permit (47 U.S.C. 312(a)(1)), and/or forfeiture (47 U.S.C. 503).'' If the renewal applicant, in good faith, can make all three certifications, its renewal application will be subject to routine processing, and no further detailed renewal showing will be required as part of the renewal application. The first certification in each scenario addresses the renewal applicant's ongoing provision of service and/or operations, and is tailored to the particular nature of licenses covered under a given safe harbor. The second certification requires the licensee to certify that no permanent discontinuance of service or operation (as defined below as an unbroken failure to provide service or operate over a

specified period of days) occurred during the license term. The third certification requires the licensee to certify that it has substantially complied with all applicable FCC rules, policies, and the Act.

13. *Site-based Licenses.* Consistent with the Commission's certification proposal in the *WRS Reform NPRM* for the renewal of site-based licensees, the Commission adopts a safe harbor for site-based WRS licensees. With site-based services, a licensee's initial application for authorization provides the exact technical parameters of its planned operations (such as transmitter location, frequency, and power levels), while the licensee's subsequent notification, that it has completed construction, confirms that the facilities have been constructed consistent with its authorization (or with minor modifications as may be permitted by the applicable service rules). A licensee also may file to modify its license, which may lead to a modified authorization and the submission of a subsequent construction notification. Consequently, at the time a site-based service provider files a renewal application, it should be operating as licensed.

14. A site-based WRS licensee will meet the Commission's renewal standard if it can certify that it is continuing to operate consistent with the licensee's most recently filed construction notification (or most recent authorization, when no construction notification is required), and make the certifications regarding permanent discontinuance and substantial compliance with Commission rules and policies that are applicable to all renewal applicants seeking to avail themselves of one of the renewal safe harbors. Consistent with the Commission's treatment of wireless providers using geographic licenses as discussed below, licensees who temporarily reduce their operations for fewer than 180 days may avail themselves of the safe harbor. The Commission concludes that this safe harbor for site-based WRS licensees is in the public interest and will expedite the renewal process for licensees, ensure spectrum is being used efficiently to provide service to the public or for private internal needs, and allow Commission staff to concentrate scarce resources on renewal applications that warrant heightened scrutiny. Moreover, applying the safe harbor process to site-based services will ensure that renewed licenses in these services are being operated, and if they are not, the licensee must submit a renewal showing as discussed below. This safe harbor may be used by any site-based WRS license in the services listed in Appendix G of the *Order*.

15. *Wireless Providers Using Geographic Licenses.* The Commission also finds that it would be in the public interest to adopt a safe harbor for WRS licensees that provide service to customers using geographic licenses. Many commenters urge the Commission to adopt a streamlined certification process for renewal of geographic licenses like what the Commission proposed for site-based licenses. Most recently, Verizon argues that a straightforward renewal certification ''will obligate the licensee to verify that it is complying with the terms of its authorization and Commission rules, including buildout, spectrum utilization, or other performance requirements.'' Similarly, CTIA maintains that a certification for geographic license renewal ''would require that licensees verify that they have complied with all buildout, performance, and other rules—demonstrating that they are providing service—without imposing unjustified burdens.'' Both Verizon and CTIA argue that a certification is consistent with the renewal standard adopted in the *Spectrum Frontiers Order* for the millimeter wave spectrum bands at 28 GHz, 37 GHz, and 39 GHz. The Commission agrees that a certification, as part of a comprehensive safe harbor for geographic licenses, will streamline its renewal processes, ensure compliance with its rules, and provide clarity and certainty for WRS licensees.

16. Accordingly, the Commission adopts a safe harbor for WRS providers using geographic licenses consistent with the approach taken in the *Spectrum Frontiers Order*. A geographically-licensed WRS licensee providing service to customers will meet the renewal standard if it can make the following certifications. For a licensee in its initial license term [1] with an interim performance requirement, the licensee must certify that (1) it has met its interim performance requirement and that over the portion of the license term following the interim performance requirement (up until the deadline for meeting the final performance requirement), the licensee continues to use its facilities [2] to provide at least the level of service or operation required by its interim performance requirement,[3] and (2) it has met its final performance requirement and continues to use its facilities to provide at least the level of service required by its final performance requirement through the end of the license term. For a licensee in its initial license term with no interim performance requirement, the licensee must certify that it has met its final performance requirement and continues to use its facilities to provide at least the level of service required by its final performance requirement through the end of the license term.[4] For a licensee in any subsequent license term, the licensee must certify that it continues to use its facilities to provide at least the level of service required by its last performance requirement through the end of any subsequent license terms. Some commenters ask the Commission to recognize that there are circumstances (*e.g.,* network upgrades, natural disasters, power outages, routine maintenance, temporary service outages) during which a licensee may need to ''reduce overall coverage below the level required by buildout requirements, or briefly turn down service . . . for a limited period.'' CTIA maintains that ''these events should not disqualify a licensee from using the safe harbor.'' Thus, the Commission clarifies that licensees who temporarily drop below their construction benchmark for fewer than 180 days may avail themselves of the safe harbor. In addition, the licensee must make the certifications regarding permanent discontinuance and substantial compliance with Commission rules and policies that are applicable to all renewal applicants seeking to avail themselves of one of the renewal safe harbors. This safe harbor may be used

[1] For performance showing requirements at the end of the initial license term, there are two filing processes in ULS depending on the service of the license. For some services, licensees file a notification of construction (NT) and a separate renewal application. For other services, licensees include their performance showing as an exhibit to the renewal application and do not file a separate NT. Under either filing method, the licensee would certify in its renewal application that it has submitted a final performance showing in good faith, but acceptance of its safe harbor renewal certification is contingent on the Commission's review and acceptance of the performance showing. This is true as well for private systems using geographic licenses.

[2] The Commission determines that use of facilities includes operations under any spectrum leasing arrangement.

[3] The Commission notes that any licensee that fails to meet its interim performance requirement will not be able to avail itself of this safe harbor option at the end of the initial license term because it will be unable to certify that it has met its interim performance requirement.

[4] The Commission recognizes that a licensee may file a renewal application as early as 90 days prior to license expiration. 47 CFR 1.949(a). The Commission notes that a licensee with a performance requirement deadline coincident with its license expiration date must meet any applicable performance requirement before it can certify compliance with the safe harbor requirements and file a renewal application.

by geographic licensees in the Wireless Radio Services listed in Appendix H of the *Order*.

17. *Private Systems Using Geographic Licenses.* The Commission finds that the public interest will be served by adopting a separate safe harbor for private systems using geographic licenses. In the *WRS Reform NPRM,* the Commission queried what factors should be considered during renewal of licenses used for a licensee's private, internal communications needs. Commenters generally object to applying the *WRS Reform NPRM*'s proposed renewal framework to geographic licensees that deploy private, internal communications systems. Instead, numerous commenters urge the Commission to adopt a certification for such licensees. The Commission agrees that a certification, as part of a comprehensive safe harbor for geographic licensees using their licenses for private, internal purposes, will streamline its renewal processes, ensure compliance with its rules, and provide clarity and certainty for such licensees.

18. Accordingly, the Commission adopts a safe harbor for WRS licensees using their geographic licenses for private, internal systems. A geographically licensed WRS licensee using its license for private, internal purposes will meet the renewal standard if it can make the following certifications. For a licensee in its initial license term with an interim performance requirement, the licensee must certify that (1) it has met its interim performance requirement and that over the portion of the license term following the interim performance requirement (up until the deadline for meeting the final performance requirement), the licensee continues to use its facilities to further the licensee's private, internal business or public interest/public safety needs at or above the level required to meet its interim performance requirement, and (2) it has met its final performance requirement and continues to use its facilities to further the licensee's private business or public interest/public safety needs at or above the level required by its final performance requirement through the end of the license term. For a licensee in its initial license term with no interim performance requirement, the licensee must certify that it has met its final performance requirement and continues to use its facilities to further the licensee's private business or public interest/public safety needs at or above the level required by its final performance requirement through the end of the license term. For a licensee in any subsequent license term, the licensee must certify that it continues to use its facilities to further the licensee's private business or public interest/public safety needs at or above the level required to meet its last performance requirement. Consistent with the treatment of wireless providers using geographic licenses as discussed above, licensees who temporarily drop below their construction benchmark for fewer than 180 days may avail themselves of the safe harbor. In addition, the licensee must make the certifications regarding permanent discontinuance and substantial compliance with Commission rules and policies that are applicable to all renewal applicants seeking to avail themselves of one of the renewal safe harbors. This safe harbor may be used by geographic area licensees in the Wireless Radio Services listed in Appendix H of the *Order*.

19. *Partitioned or Disaggregated Licenses.* As discussed in more detail below, the Commission's rules permit parties to partitioning or disaggregation agreements to choose between two options to determine how the parties will satisfy any relevant pending performance requirement for the license after it has been divided by geographic partitioning or spectrum disaggregation arrangements. In cases where the original licensee has satisfied the applicable performance requirement prior to partitioning or disaggregating the license, however, the recipient of the partitioned area or disaggregated spectrum has no performance requirement associated with the partitioned or disaggregated portion. This lack of a performance requirement is relevant in the renewal context because, while the partitioner or disaggregator may be able to meet a safe harbor (to demonstrate that over the course of its license term, the licensee provided and continues to provide service to the public, or operated and continues to operate the license to meet the licensee's private, internal communications needs), the partitionee or disaggregatee will not be able to avail itself of the safe harbors as adopted above because it cannot certify continuing service or operation consistent with its final performance requirement because it has none. Accordingly, the safe harbor approach must be adjusted to provide the partitionee or disagregatee with a mechanism for demonstrating compliance with the renewal standard.

20. To this end, the Commission adopts an approach that applies to WRS licensees with partitioned or disaggregated licenses when there is no performance requirement. Such a licensee will meet the renewal standard if it can satisfy the following safe harbor. The licensee must certify that it uses and continues to use its facilities either to provide service to the public or to further the licensee's private, internal business or public interest/public safety needs. Thus, although the Commission does not impose a specific performance requirement for such licensees at renewal of the current license term, in order to avail itself of the streamlined safe harbor renewal process for any subsequent license term, a licensee without a performance requirement must demonstrate some level of service or operation over the subsequent license term. In addition, the licensee must make the certifications regarding permanent discontinuance (as defined below) and substantial compliance with Commission rules and policies that are applicable to all renewal applicants seeking to avail themselves of one of the renewal safe harbors. This safe harbor may be used by any WRS licensee with a partitioned or disaggregated license without an associated performance requirement. Any licensee that cannot meet the requirements of the safe harbor must submit a renewal showing as discussed below.

21. The Commission recognizes that this safe harbor, unlike the others, does not prescribe a specific level of service or operation required for renewal. As the Commission has explained, however, ''[t]he goal of our construction requirements in both the partitioning and disaggregation contexts is to ensure that the spectrum is used to the same degree that would have been required had the partitioning or disaggregation transaction not taken place.'' In the scenario addressed here, the partitioner or disaggregator has already met the associated performance requirement for the license; any additional construction undertaken by the partitionee or disaggregatee exceeds the relevant performance benchmark for the original license and thus does not contravene the goal of the Commission's construction requirement in the partitioning and disaggregation context. However, the Commission contemplates taking action if it appears that parties to a partitioning or disaggregation are attempting to abuse its rules.

22. *Renewal Showing.* The Commission seeks to provide licensees with certainty and clarity regarding the renewal process, and thus have adopted four safe harbors to provide licensees with a streamlined mechanism for meeting the renewal standard. The Commission expects that most licensees will be able to avail themselves of its streamlined safe harbor process and

receive timely renewal grants. In the event a licensee is unable to meet the requirements of any of the enumerated safe harbors, however, it must file a ''renewal showing'' to demonstrate how it meets the renewal standard the Commission adopts in this *Order*. Examples of licensees that will not be able to meet a safe harbor, but for whom there nonetheless may be legitimate bases that warrant renewal, include a licensee that no longer provides service or no longer operates at the level required to meet its final performance requirement, or a licensee that has modified its service or operations since its final performance requirement to offer novel services or employ a unique system architecture. These scenarios warrant additional scrutiny before the Commission can determine whether license renewal is in the public interest. The Commission reiterates that it will not require renewal applicants to file a renewal showing if they can meet the renewal standard via a safe harbor.

23. In the *WRS Reform NPRM,* the Commission proposed to require all renewal applicants to meet its renewal standard by filing a detailed renewal showing to demonstrate that they are providing service to the public (or, when allowed under the relevant service rules or pursuant to waiver, using the spectrum for private, internal communication), and substantially complying with the Commission's rules (including any applicable performance requirements) and policies and the Act. The Commission now turns toward a consideration of this proposed standard for cases in which a renewal applicant does not meet one of the safe harbors adopted herein.

24. The renewal showing proposed in the *WRS Reform NPRM* followed the paradigm adopted in the *700 MHz Report and Order*. After the release of the *WRS Reform NPRM,* the Commission has adopted the 700 MHz Commercial Services renewal paradigm in four additional services—AWS–4, H Block, AWS–3, and 600 MHz. Specifically, the Commission proposed to consider the following factors when evaluating whether a renewal showing met the renewal standard: (1) The level and quality of service provided by the applicant (*e.g.,* the population served, the area served, the number of subscribers, the services offered); (2) the date service commenced, whether service was ever interrupted, and the duration of any interruption or outage; (3) the extent to which service is provided to rural areas; (4) the extent to which service is provided to tribal lands; and (5) any other factors associated with a licensee's level of service to the public.

25. Many commenters object to the adoption of this renewal showing for all WRS licensees. These commenters argue that the proposed renewal showing is complex and would impose substantial costs and burdens on licensees. Other commenters assert that the proposed renewal process is unclear and creates uncertainty for licensees. Still other commenters maintain that the proposed process requests information already in the Commission's possession, requests detailed information that licensees do not maintain, and may require disclosure of competitively sensitive information. The Commission acknowledges commenters' many concerns regarding a general requirement that all WRS licensees submit detailed renewal showings and have concluded that, in many cases, streamlined applications containing the required certifications for safe harbor treatment will be sufficient to ensure that the Commission renews licenses in the public interest, consistent with the Act. The Commission emphasizes that licensees that can take advantage of one of the ''safe harbor'' renewal applications described above will not be required to submit a renewal showing as part of their renewal applications. Rather, only licensees that cannot satisfy one of the enumerated safe harbors will be required to file a detailed renewal showing. To fulfill the Commission's statutory mandate to ensure efficient spectrum use consistent with the public interest, where a licensee does not satisfy one of the streamlined processes, the Commission must undertake a closer examination of a licensee's record of service or operation over its license term. Consistent with the Commission's conclusions in the AWS–4, H Block, AWS–3, and 600 MHz proceedings, the Commission finds that the renewal showing it adopts today, applied in the limited circumstances described herein, is in the public interest and its benefits outweigh any likely costs.

26. Accordingly, licensees that cannot satisfy the renewal standard under one of the enumerated safe harbors can nonetheless meet the renewal standard by demonstrating that they are providing service to the public (or, when allowed under the relevant service rules or pursuant to waiver, using the spectrum for private, internal communication), using the following renewal showing, as applicable:

(1) The level and quality of service/operation provided by the applicant (*e.g.,* for service—the population served, the area served, the number of subscribers, the services offered; for operation—the number of users (if applicable), the operating area, the type of operation);

(2) the date service/operation commenced, whether service/operation was ever interrupted, and the duration of any interruption or outage;

(3) the extent to which service/operation is provided to/in rural areas;

(4) the extent to which service/operation is provided to/in tribal lands; and

(5) any other factors associated with a licensee's level of service to the public/level of operation.

27. Each of the factors listed above to be considered in a renewal showing directly relates to the renewal standard the Commission adopts today—service or operation over the license term. The Commission will consider the totality of all the factors on a case-by-case basis to determine if a licensee has demonstrated over the course of its license term that it has provided and continues to provide service to the public, or has operated and continues to operate under the license to meet the licensee's private, internal communications needs.

28. In the *WRS Reform NPRM,* the Commission also asked whether a variety of other factors should be incorporated into the renewal rules. Many commenters object to the collection of additional data in support of a renewal showing. On balance, the Commission agrees that the costs of requesting additional information beyond the renewal showing as adopted would outweigh the benefits of such additional information. The Commission thus decides not to add further factors at this time to the renewal showing requirements. The Commission finds that its renewal framework strikes an appropriate balance between the need for information to fully evaluate renewal applications that cannot meet the safe harbors and minimizing burdens on licensees.

29. The Commission disagrees with commenters that argue that the option of filing a full renewal showing would be contrary to the Commission's original proposal for site-based services. Under the Commission's prior proposal, if a site-based licensee could not make the requisite certification, the renewal application could not be granted and the spectrum would be returned to the Commission. Under the renewal framework the Commission adopts today, if a site-based licensee cannot meet the requirements of the safe harbor, it may choose to file a renewal showing to explain why it should

nonetheless retain its license, thus providing additional flexibility to such a licensee.

30. *Implementation Timeline.* The renewal framework represents, for some WRS licenses, a significant change in how the Commission will evaluate and process renewal applications going forward.[5] For licensees that already meet the renewal standard, the unified renewal paradigm presents a streamlined process using safe harbors with minimal filing burdens and certain, timely renewal processing. The Commission recognizes, however, that other licensees will need time to come into compliance with the renewal standard. Accordingly, the Commission adopts an implementation schedule that will make the benefits of the renewal framework available immediately for those licensees most likely able to avail themselves of the streamlined processes, but provide ample time for those licensees that may need to come into compliance with the new rules. In all instances, compliance with the renewal standard, via either a safe harbor or renewal showing, will be assessed from the effective date of the new rules. Thus, for example, the requirement to provide continuous service/operation does not cover periods before the effective date of those rules. Nor does a licensee seeking safe harbor treatment need to certify that it met the necessary criteria during time periods prior to the effective date.

31. *Site-based Licenses.* For site-based licensees, the new renewal paradigm is akin to their existing renewal requirements. As discussed above, at the time a site-based service provider files a renewal application, it should be operating as licensed. Thus, current renewal requirements for site-based licensees are much like the safe harbor the Commission adopts for such licensees. The Commission finds that the renewal standard and renewal processes (whether streamlined or entailing an evaluation of the licensee's full renewal showing) should be made available to site-based licensees as soon as possible and thus determines that such rules will be applied to those licensees without a transition period, with one exception, effective upon their applicable effective dates. For microwave licenses in the Common Carrier Fixed Point-to-Point Microwave Service, licensees will not be required to comply with the revised renewal rules for site-based licenses until October 1, 2018, in order to provide sufficient time for them to undertake a compliance review necessary to make the required certification regarding operation. Existing service-specific renewal rules will remain in effect until the renewal rules adopted herein become effective. Applications filed prior to the effective date of the new rules will be processed under the rules in effect when they are filed.

32. *Geographic-area Licenses.* Given the inconsistency of the Commission's renewal rules across wireless services, the Commission has seen markedly different renewal submissions by licensees describing the level of service or operation in the various specific services within the WRS. Some licensees have submitted renewal applications clearly demonstrating service or operation over the entire license term, which would meet the renewal standard the Commission adopts today. Others have filed applications that demonstrate service or operation over significantly less than the entire license term, which would not meet the Commission's new renewal standard contemplating ongoing service or operation during the license term. The Commission seeks to provide sufficient time to geographic-area licensees that have yet to be subject to the renewal standard so that they can comply with the new standard (indeed, some licensees are not yet required to even demonstrate service over the license term). The Commission determines that the renewal standard and the renewal framework will take effect for such licensees on January 1, 2023, replacing the existing service-specific renewal rules, giving licensees at least five years to comply with the new renewal rules (giving all licensees sufficient time to show service over the license term, starting from the effective date of the new renewal rules). Existing service-specific renewal rules will cease to be effective as of January 1, 2023. The Commission notes, however, that licensees in the 700 MHz, AWS–4, H Block, AWS–3, and 600 MHz services already are subject to the renewal standard that it adopts today for all WRS geographic licenses. Accordingly, the Commission concludes that these licensees should be able to avail themselves of the safe harbors and associated streamlined procedures prior to January 1, 2023. Thus, for licensees in the 700 MHz, AWS–4, H Block, AWS–3, and 600 MHz services, the safe harbor rules will apply immediately upon their effective dates. Existing service-specific renewal rules will remain in effect until the renewal rules adopted herein become effective. Applications filed prior to the effective date of the new rules will be processed under the rules in effect when they are filed.

33. *Geographic and Site-based Licensed Services—Other Requirements.* Consistent with the Commission's proposal in the *WRS Reform NPRM,* the Commission applies a single regulatory compliance demonstration requirement to all renewal applicants, whether licensed by geographic area or by site. In addition, the Commission prohibits the filing of competing applications against such renewal applications. Further, if a renewal application cannot be granted, the associated spectrum generally will be returned to the Commission for re-licensing under the applicable processes.

34. *Regulatory Compliance Demonstration.* In the *700 MHz First Report and Order,* the Commission stated that, as part of their renewal filing, renewal applicants must demonstrate ''that they have substantially complied with all applicable Commission rules, policies, and the Communications Act of 1934, as amended, including any applicable performance requirements.'' As the Commission stated in the *WRS Reform NPRM,* such a regulatory compliance demonstration serves the public interest by facilitating the Commission's evaluation of the character and other qualifications of a renewal applicant.

35. To aid in this evaluation, the Commission proposed a detailed submission of documents regarding compliance by the licensee and certain defined affiliates. Industry commenters uniformly opposed adoption of the proposed regulatory compliance demonstration as a prerequisite to renewal on the basis that it is onerous and unduly burdensome and could impose significant costs, particularly on rural and regional carriers.

36. The Commission has a statutory duty to ensure that licensees substantially comply with all applicable Commission rules and policies and the Act. At the same time, where possible and practicable, the Commission seeks to streamline the existing renewal application processes and minimize filing burdens on licensees. In lieu of the regulatory compliance demonstration proposed in the *WRS Reform NPRM,* the Commission concludes that it can perform its duties and further its public interest goals effectively by requiring a renewal applicant to certify that it has substantially complied with all applicable FCC rules, policies, and the Act. If a particular renewal applicant is unable to make the substantial

[5] Because substantial compliance with applicable FCC rules and policies and the Act is an ongoing obligation of licensees, this will be assessed over the entire term of the license at renewal.

compliance certification, it will need to provide an explanation of the circumstances preventing such a certification and why renewal of the subject license should still be granted.

37. *Elimination of Comparative Renewal Rules for WRS.* As proposed in the *WRS Reform NPRM* and consistent with the action the Commission took in the *WRS Reform First Report and Order* in this proceeding adopted in tandem with the *Cellular Reform Second Report and Order* on March 23, 2017 (WT Docket No. 12–40), and in several other proceedings over the last decade, the Commission prohibits the filing of competing applications for all WRS and eliminates the remaining comparative renewal procedures and requirements across various rule parts.

38. The *WRS Reform NPRM* proposed to prohibit the filing of competing renewal applications for all WRS as part of its proposed uniform WRS renewal process. The majority of commenters support the Commission's proposal to eliminate service-specific rules regarding the filing of competing applications and the use of comparative hearings to resolve them. A number of commenters maintain that the comparative renewal process is an outdated vestige of licensing rules predating the Commission's current reliance on auctions in many services.

39. The Commission deletes the remaining service-specific comparative renewal rules and prohibits the filing of competing renewal applications for all WRS. This approach is consistent with the Commission's determinations in many other commercial wireless service proceedings over the last ten years—including those for the AWS–3 and AWS–4 Bands, the H Block, the 600 MHz Band, and the 700 MHz Commercial Services Band—and with the elimination of comparative renewal rules applicable to the Cellular Service. The same logic that the Commission used in exempting those bands from comparative renewal applications likewise applies to the remaining WRS bands. The Commission previously found, and commenters agree here, that the public interest is not served by the filing of time-consuming and costly competing applications, and a prohibition on competing applications will ''protect[] the public interest without creating incentives for speculators to file 'strike' applications.''

40. The few commenters that support retention of the comparative renewal application rules argue that, without the ability to file competing applications, there is no way to discover disqualifying facts about incumbent licensees. The renewal requirements the Commission adopts today, however, will provide it with ample information to determine whether a particular license renewal is in the public interest. Some commenters also argue that competing applications are rare, but this only strengthens the rationale to eliminate the outdated rules. The Commission finds that the best course is to remove the comparative renewal rules and harmonize the approach across spectrum bands—many of which, as discussed above, already prohibit the filing of competing applications. In the event that an entity lacks standing to file a petition to deny a WRS license renewal application, it may still bring relevant facts to the attention of the Commission by means of an informal filing.

41. If a license is not renewed, the associated spectrum will be returned to the Commission as discussed below, allowing parties that may have been inclined to file a competing application to participate in the auction of spectrum recovered from geographic licensees or apply for spectrum recovered from a Cellular or site-based licensee.

42. *Return of Spectrum to Commission if Renewal Application Is Denied.* Consistent with the Commission's proposals in the *WRS Reform NPRM,* the Commission concludes that, if a WRS licensee cannot meet the renewal standard and its license cannot be renewed, its licensed spectrum will be returned automatically to the Commission. For site-based licenses, the Commission will continue to apply the policy of having spectrum revert to a geographic area licensee, if applicable, if an underlying site-based authorization is not renewed.

43. One overarching goal in this proceeding is to ensure that valued spectrum resources are rapidly put to their highest and best use. A second goal in this proceeding is to provide licensees with certainty and clarity regarding the rules that apply to them and the consequences for failing to meet those rules. The Commission's existing spectrum reversion rule employed today serves these dual goals. If a licensee cannot meet the renewal standard (via safe harbor or renewal showing) or it has permanently discontinued service, or its regulatory compliance certification is insufficient, its renewal application cannot be granted, and its licensed spectrum will return automatically to the Commission.

44. *Wireless Radio Services Excluded from Rulemaking.* The Commission concludes that certain Wireless Radio Services should be excluded from the new renewal requirements. Specifically, the Commission will not apply the revised renewal paradigm to Wireless Radio Services licenses that have no construction obligations, including services where operations are licensed by rule (and thus there is no individual ''license'' to renew) or to Wireless Radio Services that can be considered to involve a ''personal'' license. These services are listed in Appendix I of the *Order*.

B. Permanent Discontinuance of Operations for Wireless Radio Services

45. All WRS licensees are currently subject to the Part 1 rule governing permanent discontinuance, which provides that an authorization automatically terminates, without specific Commission action, if service is ''permanently discontinued.'' To promote service continuity, the Commission replaces disparate service-specific rules dealing with permanent discontinuance with a standardized rule for all WRS licensees. This rule will work in concert with construction and renewal obligations to ensure that licensees provide service in a timely manner, continue to provide service over the term of the license, and do not discontinue service for such an extended period of time that it should be deemed permanent.

46. Current service-specific rules do not clearly and consistently define permanent discontinuance resulting in license termination, with a few services defining the term and many services completely lacking any definition. Thus, after meeting any service-specific construction and renewal requirements, some licensees in a service whose rules provide no definition of ''permanent'' discontinuance might conclude that they are permitted to discontinue service for long periods of time, and that such suspension of service would not trigger automatic license termination. In contrast, other licensees/competitors in a service whose rules define ''permanent'' discontinuance as specific amount of time during which operations were suspended (*e.g.,* 90 days) would be subject to automatic license termination if they discontinued service to subscribers for that specified length of time. As the Commission noted in the *WRS Reform NPRM,* the public interest is not served by such marked regulatory disparities. The Commission accordingly proposed to adopt a uniform discontinuance of service rule for Parts 22, 24, 27, 80, 90, 95, and 101 Wireless Radio Services. The Commission finds that the adoption of a uniform regulatory framework governing the permanent discontinuance of operations for Wireless Radio Services will serve the public interest by: (1) Affording

similarly situated licensees and like services comparable regulatory treatment; (2) providing licensees and other interested parties clarity and certainty to facilitate business and network planning; and (3) ensuring that valuable spectrum is not underutilized. The rules the Commission adopts today strike the appropriate balance between providing licensees with operational flexibility and ensuring spectrum is not warehoused and does not lie fallow.

47. Most but not all commenters support a uniform regulatory framework governing permanent discontinuance. Commenters disagree, however, on the appropriate discontinuance period to be applied to the various Wireless Radio Services, with some commenters supporting the Commission's proposed time periods while other commenters seek a 365-day discontinuance period for all WRS licensees.

48. Commenters are generally supportive of the Commission's proposal to apply the permanent discontinuance rule commencing on the date a licensee makes its initial construction showing or notification. Some commenters, however, ask that the Commission commence the permanent discontinuance period on the date of a licensee's construction deadline, while Sprint suggests that the Commission use a licensee's final construction deadline date.

49. Section 101.305 of the rules states that common carrier licensees in certain services must notify the Commission of involuntary discontinuance, reduction, or impairment of service within 48 hours, and that voluntary discontinuance by a common carrier licensee in the identified services must occur only with prior Commission approval, under the procedures of part 63 of the Commission's rules. AT&T asks that the Commission take this opportunity to delete § 101.305, arguing that it is both obsolete and duplicative of other rules, specifically § 101.65 and that the rule's concern for protecting ''communities'' is misplaced.

50. After reviewing the extensive record in this proceeding, the Commission finds that the public interest will be best served by adopting a uniform regulatory framework governing service continuity. The Commission therefore adopts new § 1.953 as it appears in Appendix A of the *Order* and deletes multiple rule sections governing permanent discontinuance in specific Wireless Radio Services. As recognized by the Commission in four other proceedings and by commenters in this proceeding, the approach the Commission adopts strikes an appropriate balance between affording licensees operational flexibility and ensuring that licensed spectrum is efficiently utilized. The Commission disagrees with those commenters that oppose the adoption of any permanent discontinuance rules. Allowing licensees unfettered discretion to determine how long scarce spectrum resources lie fallow after meeting relevant construction requirements would be inconsistent with the intent of those requirements and would directly contradict the Commission's statutory obligation to ''prevent stockpiling or warehousing of spectrum by licensees or permittees.''

51. The Commission replaces the existing hodgepodge of discontinuance rules with a unified regulatory framework that ensures regulatory parity across services and license types and applies the rules on a per-license basis. Under the new rules for all geographically licensed radio services, permanent discontinuance of service for a given license will be defined as 180 consecutive days during which a licensee does not operate or, in the case of WRS licensees providing service to customers, does not provide service to at least one subscriber that is not affiliated with, controlled by, or related to the providing carrier. The Commission adopted an identical framework for AWS–4, H Block, AWS–3, and 600 MHz, which are all licensed on a geographic basis. In addition, for all radio services licensed by site, permanent discontinuance of service for a given license will be defined as 365 consecutive days during which a licensee does not operate or, in the case of WRS licensees providing service to customers, does not provide service to at least one subscriber that is not affiliated with, controlled by, or related to the providing carrier. A licensee's authorization will automatically terminate, without specific Commission action, if it permanently discontinues service.

52. The rules distinguish between wireless providers providing service to subscribers and private licensee operation. In accordance with the Commission's proposal, for wireless providers, the Commission defines ''permanently discontinued'' as a period of 180 or 365 consecutive days (for geographic and site-based licenses, respectively) during which the licensee does not provide service to at least one subscriber that is not affiliated with, controlled by, or related to, the provider. The Commission adopts a different approach for wireless licensees that use their licenses for private, internal communications, however, because such licensees generally do not provide service to unaffiliated subscribers. For such private, internal communications, the Commission defines ''permanent discontinuance'' as a period of 180 or 365 consecutive days (for geographic and site-based licenses respectively) during which the licensee does not operate.

53. The Commission concludes that different rules for geographic versus site-based licenses are warranted by their differing operational characteristics. Under a geographic license, a licensee constructs and operates its entire network in the market under the umbrella of its geographic license. As MetroPCS explains, wireless carriers constantly discontinue individual sites or channels as they reconfigure their networks to increase and adjust capacity. The Commission's goal in this proceeding is not to hamper a licensee's normal network design and reconfiguration processes. Licensees should continue to have the necessary flexibility to add or remove network facilities consistent with their business strategies and network planning processes. Thus, for geographic licensees, the period of discontinuance will not start for a given license until all network facilities operated under that license within the licensed area are discontinued.

54. By contrast, site-based licensees do not have the same flexibility as geographic licensees to decommission individual facilities. Site-based licensees are authorized to transmit from a particular location or over a particular path and have little flexibility to alter these parameters; ceasing operation on a frequency or band constitutes a total cessation of all service or operation under the site-based license and, unless otherwise provided, would therefore start the clock for measuring the length of discontinued service/operations on that licensed frequency/band at that location/path. Thus, to provide site-based licensees with the necessary flexibility to repair, modify, or upgrade their sites without fear of triggering a discontinuance period that could lead to the automatic termination of their license, the Commission finds that site-based licensees should be afforded a 365-day discontinuance period.

55. The Commission does not find that geographic licensees need a 365-day discontinuance period to adequately conduct technology upgrades and to avoid unfairly penalizing licensees that operate in remote or highly seasonal areas of the country that may be uninhabited for more than half the year. Given the flexibility geographic licensees have to

turn off individual facilities in their licensed area so long as at least one facility continues to operate or continues to serve at least one non-affiliated subscriber, the Commission finds that 180 days provides licensees with ample time to effectuate network modifications without triggering a discontinuance period. Adoption of a 180-day discontinuance period substantially increases the amount of time licensees can discontinue operations in some services. However, the Commission decreases the discontinuance period from one year to 180 days in certain services, for example, certain Part 101 geographic licenses and 220–222 MHz geographic licenses (listed in Appendix F of the *Order*). Given the operational flexibility afforded geographic area licensees discussed above, the Commission concludes that this reduction will not create undue burdens on such licensees. Moreover, in the event additional time is needed, as discussed below, the rules will provide for an automatic 30-day extension or licensees can file for a waiver under § 1.925 of the Commission's rules if additional time is warranted.

56. The Commission agrees with commenters who propose that the discontinuance rule should begin to apply on the date a licensee must meet its first performance requirement benchmark, *i.e.,* the construction deadline. Using the construction deadline, versus the date a licensee actually makes its construction notification, will ''avoid unduly punishing early adopters who are experimenting with certain business models or technologies, and who later deploy a different technology.'' If a licensee files its notification prior to the required construction deadline, the licensee should have the flexibility to alter its network as it sees fit, including turning down the entire system to accommodate changes in business plans or network design. If the Commission were to apply the rule immediately upon the filing of a licensee's construction showing or notification, it would create a disincentive for licensees to deploy their networks prior to their construction deadline. Such a result would be contrary to the Commission's goal of rapid spectrum deployment.

57. In most cases, the first performance requirement benchmark is the interim or final construction deadline for geographic licenses, or the 12-month construction deadline for site-based licenses. In a few cases, licensees have partitioned and/or disaggregated their licenses under current rules, and one or more of the resulting licenses does not have a construction deadline. Under the new renewal standard these licenses must be operating by the end of the next full renewal term after their current license term to warrant renewal. As such, the discontinuance rules will apply to these partitioned/disaggregated licenses at that date. This approach provides consistent treatment in that licensees need only be concerned about permanent discontinuance after they are required to be operating (whether at their next construction deadline or renewal). The Commission adopted the same approach for AWS–4, H Block, AWS–3, and 600 MHz.

58. In services where the Commission's rules currently contain no definition of permanent discontinuance, some licensees may have met their interim construction deadline, but have yet to reach their final construction deadline and may have discontinued operations as part of a business strategy or network plan. Absent a definition of permanent discontinuance, these licensees might have concluded that they could discontinue service for a long period without fear of automatic license termination. While all covered WRS licensees must comply with the permanent discontinuance rules going forward, it is equitable to provide certain existing licensees with additional time to come into compliance with the rules, if necessary. Thus, in all services that do not currently have an explicit definition of permanent discontinuance, (*e.g.,* Part 24 Personal Communications Services, certain Part 27 Miscellaneous Wireless Communications Services, Part 80 Safety and Special Radio Services, and Part 95 218–219 MHz Service) licensees will be given until January 1, 2019 to come into compliance with the rules adopted today regarding permanent discontinuance. If a licensee in these services is not providing service or is not operational on January 1, 2019, the discontinuance period would start on that date. After that date, a WRS licensee's authorization will automatically terminate, without specific Commission action, if service is permanently discontinued as defined under the newly adopted rules.

59. The Commission declines to adopt Sprint's request to apply the permanent discontinuance rules only after a licensee's final construction date. The permanent discontinuance rules are designed to ensure that once a licensee is required to begin operations or provide service to the public by, *e.g.,* an interim construction date, it continues to do so thereafter without substantial breaks in operation or service. If the Commission generally does not apply the permanent discontinuance rules until after a licensee's final construction date, a licensee would be permitted to initiate service at its interim date and then shut down all operations until the final construction deadline. This result is contrary to the Commission's goal of promoting robust spectrum use. However, for some services a failure to meet an interim construction date results in acceleration of the final construction date and, in some cases, the license expiration date. For these services, if a licensee fails to meet the interim construction date, the discontinuance rule will apply after the licensee's accelerated final construction date.

60. The Commission exclude EBS from application of the new permanent discontinuance rule because this service presents unique issues that are under consideration in a separate proceeding. The Commission finds that it should consider EBS permanent discontinuance policies in the context of the comprehensive EBS rulemaking. For the reasons stated above in the discussion of the renewal policy rules, the Commission finds that BRS licenses and the Motorola-held partitioned and/or disaggregated Part 80 VHF Public Coast licenses should be subject to the rules and policies adopted herein regarding permanent discontinuance.

61. Section 101.305 contains a number of requirements related to discontinuance, reduction, or impairment of services for some or all Part 101 services. The bulk of these provisions relate to involuntary and voluntary discontinuance, reduction, or impairment of public communications services and required filings to be made with the Commission. In particular, § 101.305(b) requires that covered licensees subject to Title II of the Act must obtain prior approval from the Commission pursuant to the procedures set forth in part 63 of the Commission's rules before they may voluntarily discontinue, reduce, or impair public communications services to a community or part of a community. Because § 101.305 implicates the provision of service pursuant to Title II of the Act and given the limited record addressing this rule, the Commission makes no changes to this rule section at this time.

62. *Notification of permanent discontinuance.* The Commission adopts the proposed filing requirement that a licensee that permanently discontinues service must notify the Commission of the discontinuance within 10 days by filing FCC Form 601 or 605 requesting license cancellation. Such a self-reporting requirement will

facilitate timely and accurate recordkeeping of the Commission license and spectrum inventory. However, even if a licensee fails to file the required form requesting license cancellation, an authorization will automatically terminate, without specific Commission action, if service is permanently discontinued as defined by the new rules. The Commission disagrees with the two commenters who ask that the notification period be extended to 30 days. Neither commenter advances a compelling basis for extending the notification period and the proposed 10-day period will ensure that the Commission's records are updated on a timely basis.

63. *Extension requests.* In addition, the Commission adopts the proposed extension request process under which a request for a longer discontinuance period may be filed for good cause, subject to the requirement that it be filed at least 30 days before the end of the discontinuance period. Under this process, the filing of a request would automatically extend the discontinuance period a minimum of the later of an additional 30 days or the date upon which the Wireless Telecommunications Bureau (Bureau) acts on the request. Commenters support the proposed automatic process for extension requests. Such an express process provides licensees with the flexibility to request a limited period of additional time for discontinuance of operations as necessitated by the licensee's business and operational needs and the certainty that they will receive a minimum of 30 additional days to resume service.

64. The Commission declines, however, to adopt CCA's proposal for an automatic six-month extension period or case-by-case review. An automatic extension of the permissible discontinuance period of six months runs contrary to the goals of timely and efficient use of the nation's scare spectrum resources. Although unique circumstances may arise that necessitate a period of discontinuance beyond what is automatically permitted under the new rules, these circumstances can adequately be addressed by the existing waiver processes.

65. *Roaming.* Several commenters ask that the Commission clarify how its permanent discontinuance rules apply to licensees that serve roamers. The Commission concludes that, for purposes of the permanent discontinuance rule, the term ''service'' includes service provided exclusively or incidentally to roamers even though such roamers are not subscribers of the licensee providing roaming service. Including roaming within the definition of service serves the underlying goal of the Commission's rules to ensure that licensees are actively using their spectrum—be it to provide service to subscribers or roamers—and not allowing it to lie fallow. The Commission clarifies, however, that a WRS licensee must actually be providing service to a roamer and not merely have the ability to provide service to roamers.

66. *Channel keepers.* The Commission adopts its proposed rule that operation of so-called channel keepers—devices that transmit test signals, tones, and/or color bars, for example—will not constitute operation or service for the purposes of the permanent discontinuance rule. As the Commission explained previously, ''it was clearly unreasonable . . . to believe that the periodic broadcasting of signals that nobody received constituted 'service' within the meaning of the rule. Such an interpretation is unreasonable; in order to provide a service a provider would, at a minimum, need a customer or other person to serve.'' The Commission thus adopts the rule regarding channel keepers as proposed.

67. Verizon asks the Commission to expand the definition of operation to include facilities that are ''available'' to carry customer traffic but are in ''standby'' mode and only used on an ''as-needed basis depending on capacity demands.'' Verizon argues that these systems are needed to allow licensees to maximize efficiency of their spectrum resources and network investment and maintain optimal performance levels while providing seamless service to customers across multiple licenses in the same market. The Commission declines to expand its definition of operation as requested by Verizon. As the Commission explained previously, at a minimum, provision of service requires a customer or other person to serve. That a network is capable of service in ''standby mode'' or on an ''as-needed basis'' without providing actual service to a customer or other person is insufficient to constitute service for purposes of the Commission's permanent discontinuance rules. Moreover, the Commission does not license spectrum on a network basis; rather, it evaluates operational obligations on a license-by-license basis, and thus licensees must maintain continuity of service or operations on a license-by-license basis.

C. Geographic Partitioning and Spectrum Disaggregation Rules and Policies

68. In the WRS Reform NPRM, the Commission proposed a new rule, § 1.950, to standardize and clarify its partitioning and disaggregation rules across services in which such activities are permitted. As part of this proposal, the Commission contemplated establishing consistent performance obligations (*i.e.,* construction and operation) for spectrum licenses that have been divided by geographic partitioning or spectrum disaggregation arrangements. Specifically, the Commission proposed that each party to such an arrangement would be individually required to meet any service-specific performance requirements.

69. At present, there are a wide variety of Wireless Radio Services under the Commission's authority that are subject to equally varied construction and performance obligations. The Commission's current partitioning rules provide licensees several options to meet their construction obligations: (1) Independent Construction—the parties may independently elect to satisfy the construction requirements for their respective partitioned license areas and failure to perform subjects a licensee in this context to forfeiture of its partitioned license; (2) Collective Construction—the parties may collectively share responsibility for meeting the construction requirement for the entire geographic area and if the parties collectively fail, then both will be subject to a range of penalties, including possible license forfeiture; or (3) Partitioner-only Construction—the partitioner may satisfy the construction requirement for the entire pre-partitioned geographic area. Many services allow this third option, but the repercussions for failure to perform vary significantly. In some instances, partitionees must still satisfy a substantial service requirement for the partitioned area at renewal. In others, partitionees can argue that they are not obligated to provide service to obtain license renewal since only the non-performing partitioner is subject to forfeiture of its license at renewal.

70. Licensees also currently have multiple options under the Commission's disaggregation rules to meet applicable construction obligations: (1) One-party Construction—parties can assign responsibility to either the disaggregator or the disaggregatee, and construction by that party is deemed sufficient for both. Generally, if the designated party

fails to perform, only its license is subject to forfeiture at renewal. (2) Shared Construction Responsibility—parties may share responsibility for meeting the construction requirements. Depending on the service, failure to perform by either party could result in forfeiture of both licenses. By contrast, some service rules allow parties to a disaggregation to satisfy the construction requirement in the aggregate rather than individually.

71. A majority of the commenters that addressed the partitioning and disaggregation construction requirements in the *WRS Reform NPRM* disagree with the Commission's proposal to require that each party to such arrangements independently satisfy construction obligations. They object largely on the basis that the current rules already promote efficient spectrum use and changing them is unnecessary, or worse, harmful. They contend, among other things, that the new rules will curb interest in secondary market opportunities, particularly in rural areas, and will disrupt existing private contractual relationships.

72. The Commission's experience with partitioning and disaggregation indicates that parties can, and sometimes do, manipulate the current requirements in ways that result in spectrum in some services lying fallow for long periods of time, contrary to the Commission's stated goal of maximizing efficient spectrum use. For instance, under the current rules, parties have been free to disaggregate a small sliver of a spectrum license over the entire geographic licensed area and assign the entire construction requirement to that particular license. In that circumstance, only that small sliver of spectrum has been subject to license termination or forfeiture, while the bulk of the license has not been subject to any construction requirement. The Commission finds that none of the comments effectively addresses the central rationale for proposing to modify the partitioning and disaggregation performance requirements, *i.e.,* preventing spectrum warehousing. The Commission therefore amends the partitioning and disaggregation rules to prevent spectrum warehousing.

73. In lieu of requiring each party to a partitioning or disaggregation arrangement to certify that it will independently satisfy service-specific construction and/or performance requirements, the Commission will afford such parties the additional option of sharing service-specific performance requirements.[6] Further, to ensure uniformity and clarity, the Commission adopts § 1.950, largely as proposed, and § 1.950(g), as revised, to replace separate partitioning and disaggregation construction and performance rules for each service in various rule parts. The Commission concludes that these changes will provide WRS licensees with greater flexibility to configure their licenses according to their operational needs, while still affording important safeguards against spectrum warehousing.

74. The Commission agrees with Verizon that imposing an independent construction requirement on both parties to a partitioning or disaggregation arrangement, as proposed in draft § 1.950(g) in the *WRS Reform NPRM,* might, under certain circumstances, unnecessarily impose additional construction requirements on parties to partitioning and disaggregation arrangements that would not have existed had the license not been partitioned or disaggregated. To address this potential issue, the Commission revises § 1.950(g) to allow participants to share the construction requirement, which ensures that no two parties to a partitioning or disaggregation arrangement will be required to build out more than 100 percent of the requirement for any particular geographic area or spectrum block. In addition, parties to partitioning and disaggregation arrangements are not required to continue construction in cases where the original licensee has already satisfied the requirement for the license term. However, to the extent that § 1.950(g), as revised, requires that partitionees and disaggregatees comply with interim and final construction benchmarks in addition to satisfying the renewal requirements the Commission adopts in this order, the Commission's interest in preventing spectrum warehousing that is permitted under current rules outweighs the potential added burden, if any, on these third-party licensees.

75. The Commission finds that the new rule adequately addresses commenters' arguments that proposed § 1.950(g) would deter secondary market activity, especially with respect to small, rural licensees for whom buildout requirements may be prohibitively costly. The Commission also finds that its rule adequately addresses Blooston's arguments underlying its recommendation that the Commission exempt rural areas from the rule. The revised rule allows parties to partitioning and disaggregation arrangements to share service-specific construction requirements. The Commission concludes that the additional flexibility of the revised rule will continue to enable service providers to configure geographic area and spectrum block licenses to suit their unique operational needs, which includes using partitioning and disaggregation to open up licensing opportunities to rural carriers.

76. The Commission declines to retain ''partitioner only'' construction rules (wherein a partitioner can certify that it has met or will meet the construction requirement for the entire pre-partitioned area) to encourage carriers to take risks in rural markets. This proposal would appear to allow a partitionee in certain services to hold a license for the partitioned area without deploying facilities on the spectrum for a significant period of time, even if the licensee must be able to certify that it is providing service at renewal, or otherwise make a showing to justify license renewal. The Commission concludes that the better way to promote service to rural markets is to ensure that all license holders—at least during the initial license term, and in circumstances where the original licensee has not previously satisfied the construction requirement for the entire geographic area or spectrum block—have, directly or indirectly, an obligation to construct and operate facilities on the spectrum.

77. The Commission declines to adopt CTIA's proposal that the Commission should exempt a licensee's wholly owned subsidiaries or commonly controlled affiliates when they partner with the licensee to divide the license. The Commission's experience has shown that this type of intra-corporate family partitioning and disaggregation has proven particularly susceptible to manipulation for spectrum warehousing purposes simply because the parties to the division are commonly controlled. Adoption of CTIA's proposal risks undermining rather than advancing the Commission's objective of eliminating spectrum warehousing. Moreover, the addition of the new option to permit shared construction responsibility by a

[6] Specifically, in § 1.950(g), as revised herein, the Commission provides the parties to a partitioning and/or disaggregation arrangement with two options for satisfying service-specific performance requirements (*i.e.,* construction and operation requirements). Under the first option, each party may individually satisfy any service-specific requirements and, upon failure, must individually face any service-specific performance penalties. Under the second option, both parties may agree to share responsibility for any service-specific requirements. Upon failure to meet their shared service-specific performance requirements, both parties will be subject to any service-specific penalties.

partitioner/partitionee or a disaggregator/disaggregatee should largely address this concern.

78. The Commission does not adopt the suggestions raised by MetroPCS and Verizon that the Commission exempt Broadband PCS from the proposed rule based on the argument that the substantial service requirement at renewal discourages parties to a partitioning arrangement from warehousing spectrum in the manner the Commission seeks to preclude. The Commission concludes that these licensees will be no worse off under a regulatory framework that holds all licensees to comparable requirements. Many services still allow parties to a partitioning or disaggregation arrangement to assign the performance requirement to one of the parties and thereby allow the other to delay or avoid construction in that party's portion of the license (whether geography or spectrum) if they so choose. This problem exists in numerous services, even if some service rules may discourage so-called free riders. By this *Order,* the Commission seeks to consolidate the services under a single set of rules and proscribe spectrum warehousing by all licensees in the covered services, not just the few who hold spectrum subject to service rules that more effectively prevent such warehousing.

79. The Commission also declines to adopt CTIA's proposal to prohibit parties from assuming construction and performance obligations for an entire license area or spectrum block unless they also hold spectrum covering a majority of that same geographic area or spectrum block. CTIA does not provide evidence demonstrating why this approach would be more effective at preventing spectrum warehousing than the consistent approach envisioned by the partitioning and disaggregation rules adopted today, nor does it acknowledge or address the potential administrative burdens that would be placed on applicants and on Commission staff in addressing such arrangements. The Commission believes that adoption of CTIA's proposal would provide greater uncertainty in the spectrum marketplace and would not consistently and successfully prevent spectrum warehousing.

80. The Commission also declines to exempt existing partitioning and disaggregation arrangements from application of the requirements of § 1.950(g) as adopted today, and apply the rule only prospectively and only to future partitioning and disaggregation arrangements. By adopting § 1.950(g) as revised, the Commission intends to prevent spectrum warehousing and ensure that future transactions facilitate the availability of spectrum in the marketplace for licensees who are most highly motivated to use it. By this action, the Commission seeks to resolve loopholes in the current partitioning and disaggregation rules that could be and have been manipulated to avoid the very construction and substantial service obligations that promote efficient spectrum use. However, the Commission agrees that its rules should not be applied retroactively to disrupt transactions that have already been negotiated based on the pre-existing rules and submitted to the Commission for approval. Specifically, § 1.950(g) will be applied to partitioning and disaggregation arrangements reflected in applications filed on or after the effective date of the new rule, and not to any arrangements reflected in an already granted application or in an application filed before the effective date of new § 1.950(g).

81. The Commission makes no changes in response to AT&T's argument that new entrants will be discouraged from acquiring spectrum through partitioning or disaggregation when it is late in the original license term, and there is little time to fulfill the construction obligation. The Commission concludes that this concern is related not to partitioning and disaggregation rules, but to the current build out rules, which provide that the performance requirements associated with a license are not reduced or extended as a result of any secondary market transaction, including one near the end of a license term. The rule modifications do not alter those obligations.

82. Finally, the Commission does not address the suggestion by Sprint and AT&T that licensees that have acquired previously partitioned and/or disaggregated licenses be allowed, as a matter of processing, to consolidate the subdivided parts into the original license configuration. The Commission finds this proposal to be beyond the scope of this proceeding, which is narrowly focused on standardizing and clarifying the Commission's partitioning and disaggregation rules across services. The question of whether, and how, a partitioned or disaggregated license can be reconstituted as a matter or processing can be addressed by Commission staff under current rules and licensing systems.

83. Commenting parties in this proceeding that addressed proposed § 1.950 focused solely on proposed § 1.950(g). Accordingly, based on the record in this proceeding, the Commission adopt § 1.950 largely as proposed in the *WRS Reform NPRM,* with the exception of § 1.950(g). The Commission further concludes that adopting new § 1.950(g), as revised herein, will most effectively balance its competing obligations to: (1) remove potential barriers to entry by returning heretofore fallow spectrum to the marketplace, and thereby increase competition; (2) encourage parties to use spectrum more efficiently; and (3) speed service to unserved and underserved areas.

D. Freeze on the Filing of Competing Renewal Applications and Resolution of Previously Pending Competing Renewal Applications

84. In the *WRS Reform Order,* the Commission imposed a freeze on the filing of competing renewal applications and held in abeyance the already-filed competing renewal applications until the conclusion of this proceeding. The Commission stated that, if it were to adopt the rules proposed in the *WRS Reform NPRM,* it would ''dismiss all pending mutually exclusive applications and related correspondence filed with the Commission regarding those applications.''

85. At the time that the *WRS Reform Order* was adopted, the Commission had before it a total of 151 renewal applications in three different service bands, and 178 applications competing with those renewal applications. Most of those competing applications—175 of 178—were filed in the 2.3 GHz Band against WCS licensees. These competing applications were dismissed by the Commission after the relevant parties reached settlement agreements. Of the remaining three competing applications, two were against Cellular licensees' renewal applications and one was against a Broadband PCS licensee's renewal application. The two Cellular competing applications have since been dismissed or resolved. The PCS competing application was withdrawn after the applicant obtained the underlying license at issue via the license assignment process.

86. Because there are no remaining pending competing renewal applications, there is no further action needed on the Commission's part to dismiss such applications.

E. Transition From Interim Renewal Application Procedures

87. The Commission directed incumbent licensees to continue to file timely renewal applications as required by applicable Commission rules during the pendency of this rulemaking. The Commission further directed that

renewal applications routinely should continue to be placed on a Bureau accepted for filing public notice, and that interested parties could continue to file petitions to deny consistent with the rules. In order to reduce uncertainty that might be caused by long-pending renewal applications, the Commission directed the Bureau to routinely grant renewal applications during the pendency of this proceeding, conditioned on the outcome of this rulemaking.

88. Notwithstanding the Commission's statement in the *WRS Reform Order* that interested parties may file petitions to deny consistent with the requirements of its rules, NTCH, Inc., now asks that the Commission provide an opportunity for a potential applicant to challenge a renewal applicant's basic qualifications at the close of this docket. NTCH asserts that providing this opportunity to file petitions to deny against conditionally granted renewal applications is necessary to avoid ''permanently abrogat[ing] the legal rights of parties interested in challenging the grant of a renewal application.'' The Commission denies NTCH's request that it open a window for the filing of petitions to deny against licensees whose renewal applications have been conditionally granted. The opportunity to file petitions to deny against renewal applications has been present throughout the pendency of this proceeding, and NTCH has not offered a persuasive legal or equitable argument in support of having a second shot at these renewal applications. The Commission accordingly declines to open a window for the filing of petitions to deny against renewal applications that have been conditionally granted.

89. Petitions for reconsideration of the actions taken by the *WRS Reform Order* were filed by: (1) Atlantic Tele-Network, Inc., in connection with its wholly owned indirect subsidiary's, Tisdale Telephone Company, LLC, competing Cellular application with the Cellular renewal application filed by Kankakee Cellular L.L.C.; (2) CTIA, AT&T, Cricket, Rural Cellular Association, Sprint, T-Mobile, US Cellular, and Verizon Wireless; (3) Green Flag Wireless, LLC, CWC Licensing Holding, Inc., James McCotter, and NTCH–CA, Inc.; and (4) Wireless Communications Association International, Inc. (WCAI).

90. The Atlantic Tele-Network, Inc. petition has been mooted by the fact that Kankakee withdrew its renewal application for a Cellular license authorization in the Kankakee, Illinois market, and Tisdale was granted a Cellular license for that market. The Commission previously approved the withdrawal of the petition for reconsideration filed by Green Flag Wireless, LLC, CWC License Holding, Inc., James McCotter, and NTCH–CA, Inc., along with another petition for reconsideration filed by the same parties on October 22, 2010, pursuant to a settlement agreement. The WCAI petition for partial reconsideration was addressed by the *WRS Reform Clarification Public Notice,* (WT Docket No. 10–112) on March 18, 2011, issued by the Bureau to clarify the conditional grant of applications for renewal of license in the *WRS Reform Order*. Subsequent to the release of the *WRS Reform Clarification Public Notice,* CTIA, AT&T, Cricket, Rural Cellular Association, Sprint, T-Mobile, US Cellular, and Verizon Wireless filed a motion to withdraw their petition for reconsideration. The Commission finds no reason to address the arguments in the CTIA Petition and accordingly will grant the request to withdraw the CTIA Petition.

91. The Commission directs the Bureau to take the necessary steps to cease conditioning the grant of renewal applications on the outcome of this proceeding. In addition, the Commission directs the Bureau to take the necessary steps to remove the condition from already granted renewal applications or otherwise make clear on the face of such licenses that such condition is no longer valid.

II. Procedural Matters

A. Paperwork Reduction Act Analysis

92. The *Order* contains modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under § 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the modified information collection requirements contained in this proceeding. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), it previously sought specific comment on how it might further reduce the information collection burden for small business concerns with fewer than 25 employees.

93. The Commission assessed the effects of the policies adopted in the *Order* with regard to information collection burdens on small business concerns, and found that these policies will benefit many companies with fewer than 25 employees because the revisions the Commission adopts should reduce filing burdens for all WRS licensees, whether large or small. Also, by ensuring, pursuant to the partitioning and disaggregation rules and the permanent discontinuance rules the Commission adopts today, that valuable spectrum will not lie fallow, these policies will provide small entities with more opportunities to gain access to valuable spectrum. In addition, the Commission has described impacts that might affect small businesses, which includes most businesses with fewer than 25 employees, in the Final Regulatory Flexibility Analysis (FRFA) in Appendix B of the *Order*.

B. Congressional Review Act

94. The Commission will send a copy of this *Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Order,* including the FRFA, to the Chief Counsel for Advocacy of the SBA (5 U.S.C. 603(a)).

C. Final Regulatory Flexibility Analysis

95. The Regulatory Flexibility Act of 1980 (RFA) requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' Accordingly, the Commission has prepared a FRFA, set forth in Appendix B of the *Order,* concerning the possible impact of the rule changes.

D. Ex Parte Presentations

96. This proceeding shall continue to be treated as ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or

arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the Commission's Electronic Comment Filing System (ECFS) available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

97. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

III. Ordering Clauses

98. Accordingly, *it is ordered,* pursuant to sections 1, 2, 4(i), 4(j), 7, 301, 303, 307, 308, 309, 310, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 157, 301, 303, 307, 308, 309, 310, 332, that this *second report and order* in WT Docket No. 10–112 *is adopted.*

99. *It is further ordered* that parts 1, 22, 24, 27, 30, 74, 80, 90, 95, and 101 of the Commission's rules, 47 CFR parts 1, 22, 24, 27, 30, 74, 80, 90, 95, and 101, *are amended,* effective October 2, 2017 except as otherwise provided herein.

100. *It is further ordered* that the amendments adopted in this *second report and order,* and to §§ 1.949, 1.950, and 1.953, which contain new or modified information collection requirements that require review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, *will become effective* after OMB review and approval, on the effective date specified in a notice that the Commission will have published in the **Federal Register** announcing such approval and effective date.

101. *It is further ordered* that the amendments adopted in this *second report and order,* and to paragraphs (e), (q)(7), (r)(6), (s)(6), and (t)(6) of § 27.14, *will become effective* after OMB review and approval of § 1.949, on the effective date specified in a notice that the Commission will have published in the **Federal Register** announcing such approval and effective date.

102. *It is further ordered* that the amendments adopted in this *second report and order,* and to §§ 22.317, 22.947, 27.17, 30.106, 74.632, 90.157, 90.631, and 101.65, *will become effective* after OMB review and approval of § 1.953, on the effective date specified in a notice that the Commission will have published in the **Federal Register** announcing such approval and effective date.

103. *It is further ordered* that, pursuant to sections 4(i) and 405 of the Communications Act of 1934, 47 U.S.C. 154(i), 405, and § 1.106 of the Commission's rules, 47 CFR 1.106, the Motion of CTIA—The Wireless Association®, AT&T Services, Inc., Cricket Communications, Inc., Rural Cellular Association, Sprint Nextel Corporation, T-Mobile USA, United States Cellular Corporation and Verizon Wireless To Withdraw Petition for Reconsideration, filed May 31, 2011, to withdraw their Petition for Reconsideration, filed Aug. 6, 2010, *is granted.*

104. *It is further ordered* that, pursuant to section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. 801(a)(1)(A), the Commission *shall send* a copy of the *second report and order* to Congress and to the Government Accountability Office.

105. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the *second report and order,* including the Initial Regulatory Flexibility Analysis and the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Parts 1, 22, 24, 27, 30, 74, 80, 90, 95, and 101

Communications common carriers, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 1, 22, 24, 27, 30, 74, 80, 90, 95, and 101 as follows:

PART 1—PRACTICE AND PROCEDURE

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

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 157, 160, 201, 225, 227, 303, 309, 310, 332, 1403, 1404, 1451, 1452, and 1455.

■ 2. Amend § 1.907 by adding the definitions of ''Covered Geographic Licenses'' and ''Covered Site-based Licenses'' in alphabetical order to read as follows:

§ 1.907 Definitions.

* * * * *

Covered Geographic Licenses. Covered geographic licenses consist of the following services: 1.4 GHz Service (part 27, subpart I of this chapter); 1.6 GHz Service (part 27, subpart J); 24 GHz Service and Digital Electronic Message Services (part 101, subpart G); 218–219 MHz Service (part 95, subpart F); 220–222 MHz Service, excluding public safety licenses (part 90, subpart T); 600 MHz Service (part 27, subpart N); 700 MHz Commercial Services (part 27, subparts F and H); 700 MHz Guard Band Service (part 27, subpart G); 800 MHz Specialized Mobile Radio Service (part 90, subpart S); 900 MHz Specialized Mobile Radio Service (part 90, subpart S); Advanced Wireless Services (part 27, subparts K and L); Air-Ground Radiotelephone Service (Commercial Aviation) (part 22, subpart G); Broadband Personal Communications Service (part 24, subpart E); Broadband Radio Service (part 27, subpart M); Cellular Radiotelephone Service (part 22, subpart H); Dedicated Short Range Communications Service, excluding public safety licenses (part 90, subpart M); H Block Service (part 27, subpart K); Local Multipoint Distribution Service (part 101, subpart L); Multichannel Video Distribution and Data Service (part 101, subpart P); Multilateration Location and Monitoring Service (part 90, subpart M); Multiple Address Systems (EAs) (part 101, subpart O); Narrowband Personal Communications Service (part 24, subpart D); Paging and Radiotelephone Service (part 22, subpart E; part 90, subpart P); VHF Public Coast Stations, including Automated Maritime Telecommunications Systems (part 80, subpart J); Upper Microwave Flexible Use Service (part 30); and Wireless Communications Service (part 27, subpart D).

Covered Site-based Licenses. Covered site-based licenses consist of the following services: 220–222 MHz Service (site-based), excluding public safety licenses (part 90, subpart T of this

chapter); 800/900 MHz (SMR and Business and Industrial Land Transportation Pool) (part 90, subpart S); Aeronautical Advisory Stations (Unicoms) (part 87, subpart G); Air-Ground Radiotelephone Service (General Aviation) (part 22, subpart G); Alaska-Public Fixed Stations (part 80, subpart O); Broadcast Auxiliary Service (part 74, subparts D, E, F, and H); Common Carrier Fixed Point-to-Point, Microwave Service (part 101, subpart I); Industrial/Business Radio Pool (part 90, subpart C); Local Television Transmission Service (part 101, subpart J); Multiple Address Systems (site-based), excluding public safety licenses (part 101, subpart H); Non-Multilateration Location and Monitoring Service (part 90, subpart M); Offshore Radiotelephone Service (part 22, subpart I); Paging and Radiotelephone Service (site-based) (part 22, subpart E); Private Carrier Paging (part 90, subpart P); Private Operational Fixed Point-to-Point Microwave Service, excluding public safety licenses (part 101, subpart H); Public Coast Stations (site-based) (part 80, subpart J); Radiodetermination Service Stations (Radionavigation Land Stations) (part 87, subpart Q); Radiolocation Service (part 90, subpart F); and Rural Radiotelephone Service (including Basic Exchange Telephone Radio Service) (part 22, subpart F).

* * * * *

■ 3. Amend § 1.934 by:
■ a. Revising paragraphs (a)(1)(ii);
■ b. Removing paragraph (a)(3); and
■ c. Revising paragraphs (b) and (c).

The revisions read as follows:

§ 1.934 Defective applications and dismissal.

* * * * *

(a) * * *

(1) * * *

(ii) If the applicant requests dismissal of its application without prejudice, the Commission will dismiss that application without prejudice, unless it is an application for which the applicant submitted the winning bid in a competitive bidding process.

* * * * *

(b) *Dismissal of mutually exclusive applications not granted.* The Commission may dismiss mutually exclusive applications for which the applicant did not submit the winning bid in a competitive bidding process.

(c) *Dismissal for failure to prosecute.* The Commission may dismiss applications for failure of the applicant to prosecute or for failure of the applicant to respond substantially within a specified time period to official correspondence or requests for additional information. Such dismissal may be with prejudice in cases of non-compliance with § 1.945. The Commission may dismiss applications with prejudice for failure of the applicant to comply with requirements related to a competitive bidding process.

* * * * *

■ 4. Revise § 1.949 to read as follows:

§ 1.949 Application for renewal of authorization.

(a) *Filing requirements.* Applications for renewal of authorizations in the Wireless Radio Services must be filed no later than the expiration date of the authorization, and no sooner than 90 days prior to the expiration date. Renewal applications must be filed on the same form as applications for initial authorization in the same service, *i.e.,* FCC Form 601 or 605.

(b) *Common expiration date.* Licensees with multiple authorizations in the same service may request a common date on which such authorizations expire for renewal purposes. License terms may be shortened by up to one year but will not be extended.

(c) *Implementation.* Covered Site-based Licenses, except Common Carrier Fixed Point-to-Point Microwave Service (part 101, subpart I of this chapter), and Covered Geographic Licenses in the 600 MHz Service (part 27, subpart N); 700 MHz Commercial Services (part 27, subpart F); Advanced Wireless Services (part 27, subpart L) (AWS–3 (1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz) and AWS–4 (2000–2020 MHz and 2180–2200 MHz) only); and H Block Service (part 27, subpart K) must comply with paragraphs (d) through (h) of this section. All other Covered Geographic Licenses must comply with paragraphs (d) through (h) of this section beginning on January 1, 2023. Common Carrier Fixed Point-to-Point Microwave Service (part 101, subpart I) must comply with paragraphs (d) through (h) of this section beginning on October 1, 2018.

(d) *Renewal Standard.* An applicant for renewal of an authorization of a Covered Site-based License or a Covered Geographic License must demonstrate that over the course of the license term, the licensee(s) provided and continue to provide service to the public, or operated and continue to operate the license to meet the licensee(s)' private, internal communications needs.

(e) *Safe harbors.* An applicant for renewal will meet the Renewal Standard if it can certify that it has satisfied the requirements of one of the following safe harbors:

(1) *Covered Site-based Licenses.* (i) The applicant must certify that it is continuing to operate consistent with its most recently filed construction notification (or most recent authorization, when no construction notification is required).

(ii) The applicant must certify that no permanent discontinuance of service occurred during the license term. This safe harbor may be used by any Covered Site-based License.

(2) *Geographic licenses—commercial service.* (i) For an applicant in its initial license term with an interim performance requirement, the applicant must certify that it has met its interim performance requirement and that over the portion of the license term following the interim performance requirement, the applicant continues to use its facilities to provide at least the level of service required by its interim performance requirement; and the licensee has met its final performance requirement and continues to use its facilities to provide at least the level of service required by its final performance requirement through the end of the license term. For an applicant in its initial license term with no interim performance requirement, the applicant must certify that it has met its final performance requirement and continues to use its facilities to provide at least the level of service required by its final performance requirement through the end of the license term. For an applicant in any subsequent license term, the applicant must certify that it continues to use its facilities to provide at least the level of service required by its final performance requirement through the end of any subsequent license terms.

(ii) The applicant must certify that no permanent discontinuance of service occurred during the license term. This safe harbor may be used by any Covered Geographic License.

(3) *Geographic licenses—private systems.* (i) For an applicant in its initial license term with an interim performance requirement, the applicant must certify that it has met its interim performance requirement and that over the portion of the license term following the interim performance requirement, the applicant continues to use its facilities to further the applicant's private business or public interest/public safety needs at or above the level required to meet its interim performance requirement; and the applicant has met its final performance requirement and continues to use its facilities to provide at least the level of operation required by its final performance requirement through the end of the license term. For an applicant in its initial license term

with no interim performance requirement, the applicant must certify that it has met its final performance requirement and continues to use its facilities to provide at least the level of operation required by its final performance requirement through the end of the license term. For an applicant in any subsequent license term, the applicant must certify that it continues to use its facilities to further the applicant's private business or public interest/public safety needs at or above the level required to meet its final performance requirement.

(ii) The applicant must certify that no permanent discontinuance of operation occurred during the license term. This safe harbor may be used by any Covered Geographic License.

(4) *Partitioned or disaggregated license without a performance requirement.* (i) The applicant must certify that it continues to use its facilities to provide service or to further the applicant's private business or public interest/public safety needs.

(ii) The applicant must certify that no permanent discontinuance of service occurred during the license term. This safe harbor may be used by any Covered Geographic License.

(f) *Renewal Showing.* If an applicant for renewal cannot meet the Renewal Standard in paragraph (d) of this section by satisfying the requirements of one of the safe harbors in paragraph (e) of this section, it must make a Renewal Showing, independent of its performance requirements, as a condition of renewal. The Renewal Showing must specifically address the Renewal Standard by including a detailed description of the applicant's provision of service (or, when allowed under the relevant service rules or pursuant to waiver, use of the spectrum for private, internal communication) during the entire license period and address, as applicable:

(1) The level and quality of service provided by the applicant (*e.g.,* the population served, the area served, the number of subscribers, the services offered);

(2) The date service commenced, whether service was ever interrupted, and the duration of any interruption or outage;

(3) The extent to which service is provided to rural areas;

(4) The extent to which service is provided to qualifying tribal land as defined in § 1.2110(e)(3)(i) of this chapter; and

(5) Any other factors associated with the level of service to the public.

(g) *Regulatory Compliance Certification.* An applicant for renewal of an authorization in the Wireless Radio Services identified in paragraph (d) of this section must make a Regulatory Compliance Certification certifying that it has substantially complied with all applicable FCC rules, policies, and the Communications Act of 1934, as amended.

(h) *Consequences of denial.* If the Commission, or the Wireless Telecommunications Bureau acting under delegated authority, finds that a licensee has not met the Renewal Standard under paragraph (d) of this section, or that its Regulatory Compliance Certification under paragraph (g) of this section is insufficient, its renewal application will be denied, and its licensed spectrum will return automatically to the Commission for reassignment (by auction or other mechanism). In the case of certain services licensed site-by-site, the spectrum will revert automatically to the holder of the related overlay geographic-area license. To the extent that an AWS–4 licensee also holds the 2 GHz Mobile Satellite Service (MSS) rights for the affected license area, the MSS protection rule in § 27.1136 of this chapter will no longer apply in that license area.

■ 5. Add § 1.950 to read as follows:

§ 1.950 Geographic partitioning and spectrum disaggregation.

(a) *Definitions.* The terms ''county and county equivalent,'' ''geographic partitioning,'' and ''spectrum disaggregation'' as used in this section are defined as follows:

(1) *County and county equivalent.* The terms county and county equivalent as used in this part are defined by Federal Information Processing Standards (FIPS) 6–4, which provides the names and codes that represent the counties and other entities treated as equivalent legal and/or statistical subdivisions of the 50 States, the District of Columbia, and the possessions and freely associated areas of the United States. Counties are the ''first-order subdivisions'' of each State and statistically equivalent entity, regardless of their local designations (county, parish, borough, etc.). Thus, the following entities are equivalent to counties for legal and/or statistical purposes: The parishes of Louisiana; the boroughs and census areas of Alaska; the District of Columbia; the independent cities of Maryland, Missouri, Nevada, and Virginia; that part of Yellowstone National Park in Montana; and various entities in the possessions and associated areas. The FIPS codes and FIPS code documentation are available online at *http://www.itl.nist.gov/fipspubs/index.htm*.

(2) *Geographic partitioning.* Geographic partitioning is the assignment of a geographic portion of a geographic area licensee's license area.

(3) *Spectrum disaggregation.* Spectrum disaggregation is the assignment of portions of blocks of a geographic area licensee's spectrum.

(b) *Eligibility.* Covered Geographic Licenses are eligible for geographic partitioning and spectrum disaggregation.

(1) *Geographic partitioning.* An eligible licensee may partition any geographic portion of its license area, at any time following grant of its license, subject to the following exceptions:

(i) 220 MHz Service licensees must comply with § 90.1019 of this chapter.

(ii) Cellular Radiotelephone Service licensees must comply with § 22.948 of this chapter.

(iii) Multichannel Video & Distribution and Data Service licensees are only permitted to partition licensed geographic areas along county borders (Parishes in Louisiana or Territories in Alaska).

(2) *Spectrum disaggregation.* An eligible licensee may disaggregate spectrum in any amount, at any time following grant of its license to eligible entities, subject to the following exceptions:

(i) 220 MHz Service licensees must comply with § 90.1019 of this chapter.

(ii) Cellular Radiotelephone Service licensees must comply with § 22.948 of this chapter.

(iii) VHF Public Coast (156–162 MHz) spectrum may only be disaggregated in frequency pairs, except that the ship and coast transmit frequencies comprising Channel 87 (see § 80.371(c) of this chapter) may be disaggregated separately.

(iv) Disaggregation is not permitted in the Multichannel Video & Distribution and Data Service 12.2–12.7 GHz band.

(c) *Filing requirements.* Parties seeking approval for geographic partitioning, spectrum disaggregation, or a combination of both must apply for a partial assignment of authorization by filing FCC Form 603 pursuant to § 1.948. Each request for geographic partitioning must include an attachment defining the perimeter of the partitioned area by geographic coordinates to the nearest second of latitude and longitude, based upon the 1983 North American Datum (NAD83). Alternatively, applicants may specify an FCC-recognized service area (*e.g.,* Basic Trading Area, Economic Area, Major Trading Area, Metropolitan Service Area, or Rural Service Area), county, or county equivalent, in which

case, applicants need only list the specific FCC-recognized service area, county, or county equivalent names comprising the partitioned area.

(d) *Relocation of incumbent licensees.* Applicants for geographic partitioning, spectrum disaggregation, or a combination of both must, if applicable, include a certification with their partial assignment of authorization application stating which party will meet any incumbent relocation requirements, except as otherwise stated in service-specific rules.

(e) *License term.* The license term for a partitioned license area or disaggregated spectrum license is the remainder of the original licensee's license term.

(f) *Frequency coordination.* Any existing frequency coordination agreements convey with the partial assignment of authorization for geographic partitioning, spectrum disaggregation, or a combination of both, and shall remain in effect for the term of the agreement unless new agreements are reached.

(g) *Performance requirements.* Parties to geographic partitioning, spectrum disaggregation, or a combination of both, have two options to satisfy service-specific performance requirements (*i.e.,* construction and operation requirements). Under the first option, each party may certify that it will individually satisfy any service-specific requirements and, upon failure, must individually face any service-specific performance penalties. Under the second option, both parties may agree to share responsibility for any service-specific requirements. Upon failure to meet their shared service-specific performance requirements, both parties will be subject to any service-specific penalties.

(h) *Unjust enrichment.* Licensees making installment payments or that received a bidding credit, that partition their licenses or disaggregate their spectrum to entities that do not meet the eligibility standards for installment payments or bidding credits, are subject to the unjust enrichment requirements of § 1.2111.

■ 6. Add § 1.953 to read as follows:

§ 1.953 Discontinuance of service or operations.

(a) *Termination of authorization.* A licensee's authorization will automatically terminate, without specific Commission action, if the licensee permanently discontinues service or operations under the license during the license term. A licensee is subject to this provision commencing on the date it is required to be providing service or operating.

(b) *180-day Rule for Geographic Licenses.* Permanent discontinuance of service or operations for Covered Geographic Licenses is defined as 180 consecutive days during which a licensee does not operate or, in the case of commercial mobile radio service providers, does not provide service to at least one subscriber that is not affiliated with, controlled by, or related to the licensee.

(c) *365-day Rule for Site-based Licenses.* Permanent discontinuance of service or operations for Covered Site-based Licenses is defined as 365 consecutive days during which a licensee does not operate or, in the case of commercial mobile radio service providers, does not provide service to at least one subscriber that is not affiliated with, controlled by, or related to the providing carrier.

(d) *365-day Rule for public safety licenses.* Permanent discontinuance of operations is defined as 365 consecutive days during which a licensee does not operate. This 365-day rule applies to public safety licenses issued based on the applicant demonstrating eligibility under § 90.20 or § 90.529 of this chapter, or public safety licenses issued in conjunction with a waiver pursuant to section 337 of the Communications Act.

(e) *Channel keepers.* Operation of channel keepers (devices that transmit test signals, tones, color bars, or some combination of these, for example) does not constitute operation or service for the purposes of this section.

(f) *Filing requirements.* A licensee that permanently discontinues service as defined in this section must notify the Commission of the discontinuance within 10 days by filing FCC Form 601 or 605 requesting license cancellation. An authorization will automatically terminate, without specific Commission action, if service or operations are permanently discontinued as defined in this section, even if a licensee fails to file the required form requesting license cancellation.

(g) *Extension request.* A licensee may file a request for a longer discontinuance period for good cause. An extension request must be filed at least 30 days before the end of the applicable 180-day or 365-day discontinuance period. The filing of an extension request will automatically extend the discontinuance period a minimum of the later of an additional 30 days or the date upon which the Wireless Telecommunications Bureau acts on the request.

■ 7. Amend § 1.955 by revising paragraph (a)(3) to read as follows:

§ 1.955 Termination of authorizations.

* * * * *

(a) * * *

(3) *Service discontinued.* Authorizations automatically terminate, without specific Commission action, if service or operations are permanently discontinued. See § 1.953.

* * * * *

PART 22—PUBLIC MOBILE SERVICES

■ 8. The authority citation for part 22 continues to read as follows:

Authority: 47 U.S.C. 154, 222, 303, 309 and 332.

§ 22.131 [Amended]

■ 9. Amend § 22.131 as follows:

■ a. Remove paragraph (b)(1);

■ b. Redesignate paragraphs (b)(2) through (4) as paragraphs (b)(1) through (3);

■ c. Remove paragraph (c)(3)(i);

■ d. Redesignate paragraphs (c)(3)(ii) and (iii) as paragraphs (c)(3)(i) and (ii);

■ e. Remove paragraph (c)(4)(i); and

■ f. Redesignate paragraphs (c)(4)(ii) through (iv) as paragraphs (c)(4)(i) through (iii).

§ 22.317 [Removed]

■ 10. Remove § 22.317.

§ 22.513 [Amended]

■ 11. Amend § 22.513 by removing paragraphs (f) and (g).

§ 22.947 [Removed]

■ 12. Remove § 22.947.

PART 24—PERSONAL COMMUNICATIONS SERVICES

■ 13. The authority citation for part 24 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302, 303, 309 and 332.

§ 24.16 [Removed]

■ 14. Remove § 24.16.

§ 24.104 [Amended]

■ 15. Amend § 24.104 by removing paragraphs (f) and (g).

§ 24.714 [Amended]

■ 16. Amend § 24.714 by removing paragraph (e).

PART 27—MISCELLANEOUS WIRELESS COMMUNICATIONS SERVICES

■ 17. The authority citation for part 27 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302a, 303, 307, 309, 332, 336, 337, 1403, 1404, 1451, and 1452, unless otherwise noted.

■ a. Revising the section heading;
■ b. Removing and reserving paragraphs (b) through (f); and
■ c. Removing paragraphs (q)(7), (r)(6), (s)(6), and (t)(6).

The revision reads as follows:

§ 27.14 Construction requirements.

* * * * *

§ 27.15 [Amended]

■ 19. Amend § 27.15 by removing paragraph (d).

§ 27.17 [Removed]

■ 20. Remove § 27.17.

PART 30—UPPER MICROWAVE FLEXIBLE USE SERVICE

■ 21. The authority citation for part 30 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 303, 304, 307, 309, 310, 316, 332, 1302.

§ 30.105 [Amended]

■ 22. Amend § 30.105 by removing paragraph (d).

§ 30.106 [Removed]

■ 23. Remove § 30.106.

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 24. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 336 and 554.

§ 74.632 [Amended]

■ 25. Amend § 74.632 by removing paragraph (g).

PART 80—STATIONS IN THE MARITIME SERVICES

■ 26. The authority citation for part 80 continues to read as follows:

Authority: Secs. 4, 303, 307(e), 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, 307(e), 309, and 332, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377.

■ 27. Amend § 80.60 by revising paragraph (d) to read as follows:

§ 80.60 Partitioned licenses and disaggregated spectrum.

* * * * *

(d) *Partitioning and disaggregation construction requirements for site-based AMTS, and nationwide or multi-region LF, MF, and HF public coast.* Parties seeking to acquire a partitioned license or disaggregated spectrum from a site-based AMTS, or nationwide or multi-region LF, MF, and HF public coast licensee will be required to construct and commence ''service to subscribers'' in all facilities acquired through such transactions within the original construction deadline for each facility as set forth in § 80.49. Failure to meet the individual construction deadline will result in the automatic termination of the facility's authorization.

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

■ 28. The authority citation for part 90 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), and 332(c)(7), and Title VI of the Middle Class Tax Relief and Job Creation Act of 2012, Public Law 112–96, 126 Stat. 156.

§ 90.157 [Removed]

■ 29. Remove § 90.157.

■ 30. Amend § 90.165 by:
■ a. Removing paragraph (b)(1);
■ b. Redesignating paragraphs (b)(2) through (4) as paragraphs (b)(1) through (3);
■ c. Removing paragraph (c)(3)(i);
■ d. Redesignating paragraphs (c)(3)(ii) and (iii) as paragraphs (c)(3)(i) and (ii);
■ e. Revising newly redesignated paragraph (c)(3)(ii);
■ f. Removing paragraph (c)(4)(i); and
■ g. Redesignating paragraphs (c)(4)(ii) through (iv) as paragraphs (c)(4)(i) through (iii).

The revision reads as follows:

§ 90.165 Procedures for mutually exclusive applications.

* * * * *

(c) * * *

(3) * * *

(ii) If any mutually exclusive application filed on the earliest filing date is an application for modification, a same-day filing group is used.

* * * * *

§ 90.365 [Amended]

■ 31. Amend § 90.365 by removing paragraph (d).

■ 32. Amend § 90.375 by revising paragraph (b) to read as follows:

§ 90.375 RSU license areas, communication zones and registrations.

* * * * *

(b) Applicants who are approved in accordance with FCC Form 601 will be granted non-exclusive licenses for all non-reserved DSRCS frequencies (see § 90.377). Such licenses serve as a prerequisite of registering individual RSUs located within the licensed geographic area described in paragraph (a) of this section. Licensees must register each RSU in the Universal Licensing System (ULS) before operating such RSU. RSU registrations are subject, inter alia, to the requirements of § 1.923 of this chapter as applicable (antenna structure registration, environmental concerns, international coordination, and quiet zones). Additionally, RSUs at locations subject to NTIA coordination (see § 90.371(b)) may not begin operation until NTIA approval is received. Registrations are not effective until the Commission posts them on the ULS. It is the DSRCS licensee's responsibility to delete from the registration database any RSUs that have been discontinued.

* * * * *

■ 33. Amend § 90.631 by revising paragraph (f) to read as follows:

§ 90.631 Trunked systems loading, construction and authorization requirements.

* * * * *

(f) If a station is not placed in permanent operation, in accordance with the technical parameters of the station authorization, within one year, except as provided in § 90.629, its license cancels automatically. For purposes of this section, a base station is not considered to be placed in operation unless at least two associated mobile stations, or one control station and one mobile station, are also placed in operation.

* * * * *

■ 34. Amend § 90.685 by revising paragraph (a) to read as follows:

§ 90.685 Authorization, construction and implementation of EA licenses.

(a) EA licenses in the 809–824/854–869 MHz band will be issued for a term not to exceed ten years.

* * * * *

■ 35. Revise § 90.743 to read as follows:

§ 90.743 Renewal requirements.

Until January 1, 2023, all licensees seeking renewal of their authorizations at the end of their license term must file a renewal application in accordance with the provisions of § 1.949 of this chapter. Licensees must demonstrate, in their application, that:

(a) They have provided ''substantial'' service during their past license term. ''Substantial'' service is defined in this rule as service that is sound, favorable, and substantially above a level of mediocre service that just might minimally warrant renewal; and

(b) They have substantially complied with applicable FCC rules, policies, and

the Communications Act of 1934, as amended.

§ 90.813 [Amended]

■ 36. Amend § 90.813 by removing paragraph (e).

§ 90.816 [Removed]

■ 37. Remove § 90.816.

§ 90.911 [Amended]

■ 38. Amend § 90.911 by removing paragraphs (e) and redesignating paragraph (f) as (e).

§ 90.1019 [Amended]

■ 39. Amend § 90.1019 by removing paragraph (d).

PART 95—PERSONAL RADIO SERVICES

■ 40. The authority citation for part 95 continues to read as follows:

Authority: 47 U.S.C. 154, 301, 302(a), 303, and 307(e).

§ 95.1923 [Amended]

■ 41. Amend § 95.1923 by removing paragraph (d).

■ 42. Amend § 95.1933 by revising paragraph (a) and paragraph (b) introductory text to read as follows:

§ 95.1933 Construction requirements.

(a) Each 218–219 MHz Service licensee must make a showing of ''substantial service'' within ten years of the license grant. Until January 1, 2023, ''substantial service'' assessment will be made at renewal pursuant to the provisions and procedures contained in § 1.949 of this chapter.

(b) Until January 1, 2023, each 218–219 MHz Service licensee must file a report to be submitted to inform the Commission of the service status of its system. The report must be labeled as an exhibit to the renewal application. At minimum, the report must include:

* * * * *

PART 101—FIXED MICROWAVE SERVICES

■ 43. The authority citation for part 101 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

■ 44. Revise § 101.65 to read as follows:

§ 101.65 Termination of station authorizations.

In addition to the provisions of § 1.953 of this chapter, a site-based license will be automatically terminated in whole or in part without further notice to the licensee upon the voluntary removal or alteration of the facilities, so as to render the station not operational for a period of 30 days or more. A licensee is subject to this provision commencing on the date it is required to be providing service or operating under § 101.63. This provision is inapplicable to blanket authorizations to operate fixed stations at temporary locations pursuant to the provisions of § 101.31(a)(2). See § 101.305 for additional rules regarding temporary and permanent discontinuation of service.

■ 45. Amend § 101.527 by revising paragraph (a) and paragraph (b) introductory text to read as follows:

§ 101.527 Construction requirements for 24 GHz operations.

(a) Each licensee must make a showing of ''substantial service'' within ten years of its license grant. ''Substantial service'' is a service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal during its past license term. Until January 1, 2023, ''substantial service'' assessment will be made at renewal pursuant to the provisions and procedures set forth in § 1.949 of this chapter.

(b) Until January 1, 2023, each licensee must, at a minimum file:

* * * * *

§ 101.529 [Removed]

■ 46. Remove § 101.529.

§ 101.535 [Amended]

■ 47. Amend § 101.535 by removing paragraph (d).

■ 48. Revise § 101.1011 to read as follows:

§ 101.1011 Construction requirements.

LMDS licensees must make a showing of ''substantial service'' in their license area within ten years of being licensed. ''Substantial'' service is defined as service which is sound, favorable, and substantially above a level of mediocre service which might minimally warrant renewal. Failure by any licensee to meet this requirement will result in forfeiture of the license and the licensee will be ineligible to regain it.

§ 101.1111 [Amended]

■ 49. Amend § 101.1111 by removing paragraph (e).

■ 50. Amend § 101.1323 by revising paragraph (c) to read as follows:

§ 101.1323 Spectrum aggregation, disaggregation, and partitioning.

* * * * *

(c) *Construction requirements.* Responsible parties must submit supporting documents showing compliance with the respective construction requirements within the appropriate construction benchmarks set forth in § 101.1325.

* * * * *

§ 101.1327 [Removed]

■ 51. Remove § 101.1327.

■ 52. Amend § 101.1413 by revising the section heading, paragraph (b) introductory text, and paragraph (c) to read as follows:

§ 101.1413 License term and construction requirements.

* * * * *

(b) As a construction requirement, MVDDS licensees must make a showing of substantial service at the end of five years into the license period and ten years into the license period. The substantial service requirement is defined as a service that is sound, favorable, and substantially above a level of mediocre service which might minimally warrant renewal. At the end of five years into the license term and ten years into the license period, the Commission will consider factors such as:

* * * * *

(c) The renewal application of an MVDDS licensee is governed by § 1.949 of this chapter.

§ 101.1415 [Amended]

■ 53. Amend § 101.1415 by removing paragraph (f).

■ 54. Amend § 101.1513 by revising the section heading to read as follows:

§ 101.1513 License term.

* * * * *

[FR Doc. 2017–18501 Filed 8–31–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2, 15, 74, 87, and 90

[GN Docket Nos. 14–166, 12–268, ET Docket No. 14–165; FCC 17–95]

Promoting Spectrum Access for Wireless Microphone Operations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission addresses several petitions for reconsideration regarding recent decisions regarding wireless microphones. Specifically, the Commission makes technical revisions to the spurious emission limits that it had adopted for licensed wireless

microphone operations in several frequency bands, and for unlicensed wireless microphone operations in the TV bands and in the 600 MHz guard band and duplex gap. The Commission also clarifies output power measurements and how certain antenna-related part 15 rules apply with respect to unlicensed wireless microphones, and revises and clarifies requirements for existing and legacy unlicensed wireless microphones during and after the post-incentive auction transition period. This action promotes the Commission's goal of accommodating wireless microphone users' needs through access to spectrum resources following the incentive auction and reconfiguration of the TV bands.

DATES: Effective October 2, 2017, except for amendments to §§ 74.803(c) and (d), which contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, that are not effective until approved by the Office of Management and Budget (OMB). The Commission will publish a document in the **Federal Register** announcing the effective date once OMB approves.

The incorporation by reference of certain material listed in the rule was approved by the Director of the Federal Register as of December 17, 2015.

FOR FURTHER INFORMATION CONTACT: Paul Murray, Office of Engineering and Technology, 202–418–0688, *Paul.Murray@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration, GN Docket No. 14–166, ET Docket No. 14–165, GN Docket No. 12–268, FCC 17–95, adopted July 13, 2017, and released July 14, 2017. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW., Washington, DC 20554. The full text may also be downloaded at: *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0714/FCC-17-95A1.pdf*. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Synopsis

1. *Overview.* In the Order on Reconsideration, the Commission addresses four petitions for reconsideration of the *Wireless Microphones R&O,* 80 FR 71702, November 17, 2015, concerning licensed wireless microphone operations in the TV bands, the 600 MHz ''duplex gap,'' and several other frequency bands; as well as three petitions for reconsideration of the *TV Bands Part 15 R&O,* 80 FR 73043, November 23, 2015, concerning unlicensed wireless microphone operations in the TV bands, the 600 MHz guard bands and duplex gap, and the 600 MHz service band. These petitions involved several overlapping technical and operational issues concerning wireless microphones, the Commission consolidated them in this one order.

2. Specifically, the Order on Reconsideration makes technical revisions to the spurious emission limits that the Commission had previously adopted for licensed wireless microphone operations in several frequency bands, and for unlicensed wireless microphone operations in the TV bands, 600 MHz guard band, and duplex gap. With respect to licensed and unlicensed wireless microphone operations in the TV bands, the 600 MHz guard band and duplex gap, and the 600 MHz service band (during the post-auction transition period), the Order on Reconsideration clarified the applicable output power measurements; clarified how certain antenna-related part 15 rules apply with respect to unlicensed wireless microphones; and revises and clarified the requirements for existing and legacy unlicensed wireless microphones during and after the post-auction transition period. In addition, with respect to licensed wireless microphone operations in other frequency bands, the Order on Reconsideration adopted revisions to the channelization plan for licensed wireless microphone operations in the 169–172 MHz band, generally affirms but provides clarifications regarding the 30-megahertz limit placed on licensed wireless microphone users' access to spectrum in the 1435–1525 MHz band, and clarified coordination requirements and operational limitations for licensed wireless microphone operations in the 941.5–944 MHz band.

3. The Order on Reconsideration also terminated three proceedings (WT Docket Nos. 06–166 and 08–167; ET Docket No. 10–24), begun in 2008 and 2010, that concerned various wireless microphone issues. All of the issues that remained in those proceedings have been subsumed in the proceedings addressed in the instant Order on Reconsideration.

4. First, the Commission addressed issues concerning the spurious emission limit that applies with respect both to licensed wireless microphones that operate pursuant to the Commission's part 74 LPAS rules in the TV bands and the 600 MHz duplex gap, as well as in several other frequency bands (*i.e.,* the 941.5–944 MHz band, 944–952 MHz band, portions of the 952–960 MHz band, the 1435–1525 MHz band, and portions of the 6875–7125 MHz band) and to unlicensed wireless microphone operations in the TV bands and the 600 MHz guard band and duplex gap. The Commission then discussed issues that pertain to rules adopted for licensed and unlicensed wireless microphone operations in the TV bands and the 600 MHz guard band and duplex gap. Specifically, these include: (1) The output power measurement for licensed wireless microphone operations in the VHF TV band, and for unlicensed wireless microphone operations throughout the TV bands (both VHF and UHF); (2) the output power levels for wireless microphone operations in the 600 MHz guard bands and duplex gap; (3) the applicability of part 15 antenna connector rules for unlicensed wireless microphone operations; (4) the operation of existing or legacy unlicensed wireless microphone equipment after the end of the post-auction transition period; and (5) whether certain wireless microphone users that operate on an unlicensed basis can reserve TV channels in the white spaces database to protect their operations from interference. The Commission followed with a discussion of rules concerning licensed wireless microphone operations, respectively, in the 169–172 MHz band and in the 1435–1525 MHz band. In addition to addressing the petitions for reconsideration, the Commission clarified the coordination procedures and operational limitations for licensed wireless microphone operations in the 941.5–944 MHz band. Finally, the Commission updated various rule parts in part 15 and part 74 concerning wireless microphones to reflect the 600 MHz Band Plan, as well as the specific calendar dates for compliance with various requirements, that became effective with the closing of the incentive auction on April 13, 2017.

5. *Spurious Emission Limits.* To promote more efficient use of available spectrum by wireless microphones, the Commission adopted new emission mask rules in 2015 for licensed and unlicensed wireless microphones that operate in certain frequency bands. On reconsideration, the Commission replaced the spurious emission limits that were adopted with the ETSI spurious emission limits for licensed

and unlicensed wireless microphones. Specifically, the Commission will require emissions more than one megahertz above and below a wireless microphone carrier frequency (*i.e.,* outside the defined ETSI mask) to comply with the limits in section 8.4 of ETSI EN 300 422–1. The limit in the majority of the TV bands, including the 600 MHz band, is four nanowatts (−54 dBm) effective radiated power (ERP), the limit at all other frequencies below 1,000 MHz is 250 nanowatts (−36 dBm) ERP, and the limit at frequencies above 1,000 MHz is 1 microwatt (−30 dBm). In revising our rule to reflect the ETSI spurious emission limits, the Commission also harmonized with the standards that apply to this industry in other countries.

6. *Output Power Measurement for Licensed Wireless Microphone Operations in the VHF TV Band.* In the *Wireless Microphones R&O,* the Commission sought to provide more opportunities for licensed wireless microphone operations in the VHF TV band. The Commission reasoned that revising the applicable power limits to 50 mW EIRP would be an effective way to allow wireless microphone manufacturers to adjust the conducted power output of wireless microphones to compensate for low antenna efficiency in the VHF band, and would enable greater use of this portion of the TV bands by reducing the need for a relatively large antenna, which could impede making productive use of this spectrum. It also noted that specified the applicable power limit in terms of EIRP for licensed wireless microphone operations in the VHF band would provide uniformity in the VHF band for both licensed wireless microphone operations under part 74 and unlicensed wireless microphone operations under part 15, as the *TV Bands Part 15 R&O* also specified the power limit in terms of EIRP.

7. The Commission clarified that manufacturers may show compliance with the 50 mW EIRP limit for licensed wireless microphones operating in the VHF band by making either radiated or conducted measurements. The Commission did not intend to unnecessarily restrict use of this band for certain types of wireless microphone applications. Permitting different options for measuring output power raises no interference concerns, because either method can be used to determine the EIRP of a wireless microphone. Finally, because the Commission also clarified that for unlicensed wireless microphone operations in the TV bands (VHF and UHF) output power can be measured in either a conducted or radiated test configuration for comparison to the 50 mW power limit, as discussed immediately below, our output power requirements for wireless microphone operations in the VHF band, whether for licensed or unlicensed operations, will be uniformed.

8. *Output Power Measurements for Unlicensed Wireless Microphone Operations in the VHF and UHF TV Bands.* In the *TV Bands Part 15 R&O,* the Commission adopted rules to permit unlicensed wireless microphone operations with a power level of up to 50 mW EIRP in the TV bands, both the VHF and UHF bands. On reconsideration, the Commission addressed clarified that wireless microphone manufacturers may show compliance with the 50 mW power limit for unlicensed wireless microphones operating in the VHF or UHF band by making either conducted or radiated measurements. The Commission agreed with petitioners that permitting wireless microphone manufacturers the flexibility to determine compliance with the limit through either conducted or radiated emission measurements would best serve our goal of promoting opportunities for different types of unlicensed wireless microphone applications.

9. The Commission recognized that there is a difference in how the power limits are specified in the rules for licensed and unlicensed wireless microphones in the UHF TV band (conducted power vs. EIRP), but find that the flexibility that the Commission allowed to make either conducted or radiated measurements to meet the respective limits will allow wireless microphone manufacturers to use the same test methodology to demonstrate the compliance of both licensed and unlicensed wireless microphones. Either measurement approach can reliably establish compliance with the EIRP limits for wireless microphones.

10. Finally, while the Commission had not specifically required the use of the ETSI EN 300–422–1 output power measurement procedures, the Commission recognized that this standard allowed the option of either conducted or radiated power measurements for wireless microphones. Thus, the flexibility that the Commission allowed a wireless microphone manufacturer in choosing the method of power measurements is consistent with the method employed in other countries in the global marketplace. This flexibility also is consistent with the American National Standards Institute (ANSI) C63.10–2013 measurement procedure that the Commission uses for testing part 15 intentional radiators, as well as Office of Engineering and Technology published guidance for measurements relating to EIRP limits.

11. *Output Power Levels for Wireless Microphone Operations in the 600 MHz Guard Bands and Duplex Gap.* In the *TV Bands Part 15 R&O,* the Commission provided for unlicensed wireless microphone operations in the 600 MHz guard bands and in one portion of the duplex gap under specified technical rules, and provided for licensed wireless microphone operations under the same technical rules in another portion of the duplex gap. In these bands, it limited all wireless microphone operations to an output power level of 20 mW EIRP.

12. The Commission denied requests to increase the 20 mW EIRP power level of wireless microphones that will operate in the 600 MHz guard band and duplex gap. The Commission chose this power level to avoid interference to licensed wireless services in the adjacent bands based on a detailed technical analysis described in the *TV Bands Part 15 R&O.*

13. The Commission noted that operating in the 600 MHz guard band and duplex gap is only one of several options for wireless microphone users. Users that may need more power for their various applications can use available spectrum in the TV bands where a maximum of 50 mW and 250 mW are permitted on an unlicensed and licensed basis, respectively. The Commission will allow manufacturers of licensed and unlicensed wireless microphones that operate in the 600 MHz guard band and duplex gap the option to demonstrate compliance with the 20 mW EIRP power limit through either conducted power or radiated measurements.

14. *Unlicensed Wireless Microphones and Part 15 Antenna Connector Rules.* In the *TV Bands Part 15 R&O,* the Commission codified the rules for unlicensed wireless microphone operations in the TV bands under § 15.236 of the Commission's rules, and provided for a transition period after which these unlicensed users may only use part 15-certified wireless microphones. Upon consideration of petitions for reconsideration, the Commission exempted unlicensed wireless microphones operating under § 15.236 from the antenna connector restrictions set forth in § 15.203. Requiring unique antenna connectors for wireless microphones certified under part 15 is impractical because they have different application requirements when compared with

other consumer products authorized under part 15. Such applications, which require the use of detachable antennas and may be critical for operating wireless microphones, could be inhibited if each make or model of wireless microphone used different connectors. The Commission believed that exempting part 15 wireless microphones from the requirements of § 15.203 is not likely to result in harmful interference since wireless microphones with standard antenna connectors have been approved for use for many years under part 74 of the rules, and the Commission has permitted unlicensed use of such equipment since 2010 with no demonstrated cases of abuse (*e.g.,* adding high-gain antennas or external amplifiers) resulting in harmful interference to other services.

15. Because the licensed and unlicensed wireless microphones that operate in the TV bands generally are the same devices (though higher power is permitted in the UHF band for licensed wireless microphones), the Commission expects that many unlicensed wireless microphones will also be certified under part 74, which does not require permanently attached antennas or unique antenna connectors. Also, many of the same types of entities that operate wireless microphones on a licensed basis under part 74 (*e.g.,* theater groups, musical productions) will operate wireless microphones on an unlicensed basis under part 15, either because they do not meet the threshold for part 74 licensing eligibility, or because certain frequency bands (the 600 MHz guard band and a portion of the duplex gap) are available only for unlicensed use. For the reasons stated above, the Commission found that it should exempt unlicensed wireless microphones from the requirement in § 15.203 that the device must incorporate a permanently attached antenna or a unique antenna connector. By doing so, the Commission has harmonized the part 15 and 74 rules in this respect, which will foster efficiency in the design and manufacture of wireless microphones.

16. The Commission had not exempted unlicensed wireless microphones from the requirements of § 15.204 because these requirements are necessary to ensure that manufacturers provide information about the types of antennas and cables that may be used with a device to ensure compliance with the EIRP limits applicable to unlicensed wireless microphones (as discussed above). The Commission found that the current equipment authorization rules and procedures, described in more detail below, are not overly burdensome and provide sufficient flexibility to address Shure's concerns with respect to the certification of in-ear monitors.

17. As a general matter, applicants for certification must test equipment for compliance in the worst-case configuration as determined by the manufacturer, *e.g.,* using the highest gain of each antenna type as required by § 15.204(c) and, where use of a cable is involved, the lowest loss cable associated with each antenna type, to ensure that the system is operated at radiated power output levels in compliance with the rules. Operators of certified equipment must use an antenna with the same or lower gain, and a cable with the same or higher loss, than was approved with the system. The Commission does not believe that this approach is burdensome for equipment manufacturers or users since it does not require testing of every possible antenna and cable combination, and it gives users the ability to use different antennas or cable lengths within the limits of what the equipment certification allows.

18. The Commission recognized that, in practice, the length of the cables used for particular scenarios can differ. For instance, in cases where a cable that is significantly longer than the one with which the equipment was certified must be used, the higher cable loss could reduce the EIRP significantly below the maximum permitted by the rules. To the extent that part 15 certified equipment will be professionally installed, existing procedures allow the installer to configure the equipment in accordance with the manufacturer's instructions to ensure that the equipment will comply with the part 15 rules in the configuration in which it will be used. The professional installer can thus compensate for factors such as higher cable loss to ensure that the equipment operates at up to, but no greater than, the power levels permitted by the rules. While an applicant for certification of equipment that will be professionally installed must submit certain additional information (*e.g.,* a justification for professional installation and a description of instructions to installers), the Commission does not believe these requirements are overly burdensome on applicants.

19. *Operation of Existing or Legacy Wireless Microphone Equipment after End of Post-Auction Transition Period.* The Commission clarified the applicable rules for unlicensed wireless microphone users with regard to continued operation of part 74-certified equipment during the post-auction transition period and after the end of this period. The Commission also discussed procedures by which existing/legacy equipment that has been certified under part 74, such as that which has been designed to operate in portions of the 600 MHz service band, can be modified in the field by the manufacturers for use under the new part 15 rules, and the conditions under which unlicensed wireless microphone users may continue to use any existing/legacy part 74-certified equipment.

20. First, the Commission clarified that unlicensed wireless microphone users can continue to operate equipment that had been certified under part 74, including equipment that can operate in portions of what becomes the 600 MHz service band following the auction, until the end of the 39-month post auction transition (provided other conditions for operation are met). After this transition period, however, unlicensed wireless microphone users are only authorized to operate wireless microphone equipment that has been certified under our part 15 rules, either as new equipment or as existing/legacy part 74-certified equipment that now complies with the part 15 rules (and thus would not be capable of operating in the 600 MHz service band, and instead would be designed to comply with the applicable technical rules, including authorized output power levels, for unlicensed operations in the TV bands or in the 600 MHz guard band and duplex gap). The Commission concluded that this approach will achieve an orderly transition following the auction that balances the needs of current unlicensed wireless microphone users, who otherwise could incur unduly burdensome costs in discarding equipment that can effectively be modified to comply with the applicable part 15 requirements, and the needs of the future 600 MHz service band licensees that will be providing wireless service in the coming years. The Commission noted that, during the 39-month post-auction transition period, unlicensed wireless microphone users must check the white spaces databases, prior to operating in the 600 MHz service band, to identify the channels available for use at their particular locations, which is a requirement designed to protect any 600 MHz service licensee that commences operations or conducts first field application (FFA) testing during this period.

21. The Commission also revised our requirements concerning the use by unlicensed wireless microphone users of existing/legacy equipment that was originally certified under part 74 and designed to operate on frequencies that include frequencies in the 600 MHz

service band. Specifically, to the extent that such equipment can be, and is, effectively modified (*e.g.,* through software changes) and certified as compliant with the new part 15 rules, the Commission will permit unlicensed wireless microphone users to continue to use the modified equipment, which will only operate on frequencies permitted for their use, after the end of the post-auction transition period. Accordingly, the Commission allowed manufacturers to modify this existing part 74-certified wireless microphone equipment so that the equipment is no longer capable of operating in the 600 MHz service band and can be certified under the part 15 rules (for operation in the TV bands and the 600 MHz guard band and duplex gap under prescribed rules, including compliance with the applicable output power limits and ETSI emission mask). If, for instance, these modifications can be accomplished through software changes to devices that remain in the field (*e.g.,* through downloaded software changes), then the Commission will permit manufacturers to obtain approval through the permissive change process, and indicate under the existing FCC ID number for that device that, with the modification, the device would be part 15 compliant. Similarly, for any existing/legacy part 74-certified equipment that originally was designed to operate only in parts of the current TV bands that remain available for unlicensed wireless microphone operations but would not otherwise be compliant with the new part 15 rules, the Commission allowed wireless microphone manufacturers to modify such equipment to make necessary changes (*e.g.,* modifications to comply with the specified lower output power limits in the guard bands and duplex gap) so that it can comply with the part 15 rules for such use. To the extent that no equipment modification or hardware changes are necessary (*e.g.,* the existing/legacy equipment operates only on reconfigured TV band spectrum) and the equipment meets the other technical requirements for part 15 operations (*e.g.,* maximum output power levels and ETSI emission mask), then the manufacturer can file the necessary application for permissive change to establish this, and the record associated with the FCC ID number for this previously certified part 74 device can be updated to reflect that the device is compliant with the part 15 rules. After the end of the post-auction transition period unlicensed wireless microphone users will be permitted to operate existing/legacy wireless microphone equipment provided that the necessary steps have been taken so that it has been certified as compliant with the applicable part 15 rules.

22. If, however, the existing equipment that operates in the 600 MHz service band cannot be modified to comply with the part 15 rules, the unlicensed wireless microphone users will continue to be prohibited from operating that device after the end of the 39-month post-auction transition period. This requirement is consistent with our general part 15 requirement that unlicensed equipment must be constructed such that controls readily accessible to the user cannot cause the equipment to operate in violation of the technical rules. The Commission found that, after the end of the post-auction transition period, requiring unlicensed wireless microphone users to operate equipment that has been certified as compliant with the part 15 rules (*e.g.,* equipment that necessitated modification with respect to elimination of operations in the 600 MHz service band, or equipment that meets the output power limits of 20 mW EIRP if operating in the guard band or unlicensed portion of the duplex gap) is an appropriate and balanced approach that achieves our goal of ensuring that unlicensed wireless microphone operations in the future will not cause harmful interference to new 600 MHz wireless services or to broadcast licensees operating in the TV bands.

23. Wireless microphone manufacturers will have a critical role to play with respect to ensuring that unlicensed users can determine whether they can continue to use existing/legacy devices after the end of the post-auction transition period. Wireless microphone manufacturers have the requisite knowledge about their respective companies' wireless microphone devices. To meet their obligations, unlicensed users seeking to operate existing/legacy equipment will need to know whether their particular devices can be, and ultimately are, certified as part 15 compliant. Accordingly, the Commission expects that all wireless microphone manufacturers make the necessary information available about their existing/legacy models so that users can determine what is required of them in order to meet their respective obligations. This information should include information on their companies' particular devices, including (1) which devices will need to be modified, through hardware and/or software changes, to comply with part 15 requirements in order to be certified as part 15-compliant, and the process by which the manufacturers and the unlicensed users will achieve this; (2) which devices will not need to be modified to comply, but will be certified as compliant with the part 15 rules during the transition period; and (3) which devices will not comply, and cannot be certified as compliant with part 15 requirements (and accordingly cannot be used after the end of the post-auction transition period). Providing this information can be achieved in different ways, such as posting the necessary information on Web sites, ensuring that customer helplines can help inform users, or contacting known customers directly, depending on the situation.

24. Unlicensed wireless microphone users with existing/legacy part 74-certified equipment also must do their part by examining their various devices and taking any necessary actions to ensure that, after the end of the post-auction transition, they only operate such microphones that comply with part 15 requirements. They should be in contact with the manufacturer(s) of their wireless microphones to obtain information on their particular devices, the extent to which they can be made to comply with the part 15 requirements, and the steps they should take to modify any devices to bring them into compliance. Unlicensed wireless microphone users must ensure that any existing/legacy device that they plan to use complies with the part 15 requirements and has been so certified (either because it has been modified, where necessary, or otherwise has been certified as compliant with the part 15 requirements with respect to the particular frequencies on which it operates), and that they cease operating any other wireless microphone devices that do not comply with the part 15 requirements. The Commission noted that, as wireless microphone manufacturers develop new devices that comply with the part 15 rules for operations in the TV bands, the 600 MHz guard band, and the duplex gap, unlicensed wireless microphone users who need to replace particular existing/legacy wireless microphones will be able to obtain new part 15-compliant microphones before the end of the 39-month post-auction transition period to access the spectrum available for such operations.

25. Finally, the Commission reminded manufacturers, and entities that sell, lease, or offer for sale or lease wireless microphones, that marketing of any unlicensed or licensed wireless microphones that do not comply with the part 15 or revised part 74 rules (respectively) must cease no later than 18 months after release of the *Channel Reassignment PN* (*i.e.,* October 13,

2018). Thus, to the extent that existing/legacy wireless microphones that were originally designed to operate on any frequencies that will no longer be available for use (*e.g.,* devices that are capable of operating on portions of the 600 MHz service band) as a result of the incentive auction, such devices cannot be sold or leased unless the device subsequently has been modified to comply with the new part 15 and/or the revised part 74 requirements for wireless microphone operations. The Commission directed the Consumer and Governmental Affairs Bureau (CGB), working with the Office of Engineering and Technology (OET) and the Wireless Telecommunications Bureau (WTB), to include discussion of these issues associated with the use of existing and legacy wireless microphones as part of its overall consumer outreach efforts pertaining to the transition of unlicensed and licensed wireless microphone operations that will follow the incentive auction and reconfiguration of the existing TV bands.

26. *Registration of Certain Unlicensed Wireless Microphone Users in the White Spaces Database.* Under our rules, licensed wireless microphone users operating in the TV bands (and the 600 MHz service band during the post-auction transition period) are permitted to register their operations on available channels at specified locations and times, in the white spaces databases in order to protect their operations from potential interference from unlicensed white space devices. In codifying rules for unlicensed wireless microphone operations underpart 15 in the *TV Bands Part 15 R&O,* the Commission eliminated the rule adopted in 2010 that had permitted certain qualifying unlicensed wireless microphone users also to register their operations for such protection. It determined that their unlicensed operations should be subject to the same general conditions as apply to unlicensed white space devices (*i.e.,* they may not cause interference to authorized services and must accept any interference from other unlicensed devices) as it sought to balance the interests between the licensed and unlicensed entities' access to the spectrum in the reconfigured TV bands.

27. While the Commission agreed that professional theater, music, and performing arts organizations that operate unlicensed wireless microphones to deliver high quality sound for their audiences serve important needs, the Commission nonetheless declined here to grant Shure's petition insofar as it requests that the Commission to revise the new part 15 rules to permit unlicensed wireless microphone users to register their unlicensed operations for protection from other unlicensed operations in the TV bands. The Commission concluded that allowing these unlicensed users to obtain interference protection would be inconsistent with their unlicensed status. The Commission instead sought to address the concerns raised in the petition through Further Notice.

28. In the several actions that the Commission has taken related to the incentive auction and the reconfiguration of the TV bands, it has sought to balance different users' needs for access to spectrum. In the Commission's considerations regarding wireless microphones, it has recognized that following the incentive auction there will be fewer channels in the TV bands available for both wireless microphone and white space device operations. In expanding the eligibility for part 74 wireless microphone licenses in 2014 to include professional sound companies and owners and operators of large venues that routinely use 50 or more wireless microphones in major events or productions, the Commission sought to address the needs of many unlicensed wireless microphone users that have similar needs to the other part 74 wireless microphone licensees to provide high quality audio services for large scale performances and events. And, in codifying the rules for unlicensed wireless microphone operations under part 15 in the *TV Bands Part 15 R&O* in 2015, the Commission concluded it best, from a regulatory policy standpoint, to place all unlicensed users—whether wireless microphone or white space device users—under the same general unlicensed status vis-a-vis both unlicensed and licensed operations (*i.e.,* unlicensed users may not cause harmful interference to authorized services and must accept any interference from other unlicensed devices). The Commission continued to view this as the best approach for unlicensed wireless microphone users that operate under the part 15 rules for unlicensed operations.

29. Although The Commission had denied the petition insofar as Shure requests that the Commission permit wireless microphone users that operate on an unlicensed basis to register for interference protection, the Commission understands that some entities that currently operate wireless microphones on an unlicensed basis may have needs identical or similar to the professional sound company/large venues that qualify for part 74 wireless microphone licenses for operation in the TV band spectrum. As the Commission concluded when expanding the part 74 license eligibility in 2014 for operation in the TV band, the routine use of 50 microphones is a ''reasonable threshold'' for identifying those entities that are more likely to require interference protection in order to ensure high-quality audio services for their productions. No party sought reconsideration of this particular threshold established in that proceeding, and the Commission cannot revisit that threshold absent additional notice. The Commission did, however, believe that some number of entities with identical or similar needs may be able to demonstrate to the Commission, on a case-by-case basis, that they may merit obtaining a part 74 license for operations on vacant TV channels at particular venues at specified times, such that they should be permitted to register available TV channels for that purpose. These entities may use fewer wireless microphones but otherwise have the same needs as licensees that operate on TV channels, or the wireless microphones may be needed for major events or productions at a location with very limited spectrum availability. Accordingly, the Commission has adopted a Further Notice in these proceedings in which the Commission proposed a path that will enable such qualifying entities to obtain a license under our part 74 LPAS rules. Considering that the phased broadcast station transitioning to the repacked TV bands begins next year, the Commission intends to act quickly to issue an order addressing the proposal set forth in the Further Notice.

30. *Licensed Wireless Microphone Operations in the 169–172 MHz Band.* In the *Wireless Microphones R&O,* the Commission sought to promote more expansive use of spectrum in the 169–172 MHz band for licensed wireless microphone operations, which are authorized on a secondary basis, and to do so in a manner that does not interfere with the primary Federal operations or other secondary non-Federal services operating in the band. The Commission agrees with Sennheiser and other wireless microphone manufacturers that the Commission should take steps to increase the usefulness of the 169–172 MHz band for wireless microphones by permitting wireless microphone operations under a different channel plan, one that eliminates intermodulation effects and thereby enables full use of the 54- and 200-kilohertz (narrowband and broadband) channels throughout the band.

In revising the Commission's rules, the Commission promoted the goals set

forth in the *Wireless Microphones R&O* to find additional ways to accommodate wireless microphone operations while protecting other licensed operations in the 169–172 MHz band, such as operations on forest fighting channels. In particular, the Commission revised the center frequencies associated with two of the 200-kilohertz channels, shifting the authorization to operate on channels centered at 169.475 MHz and 170.275 MHz to 169.575 MHz and 170.025 MHz, and the Commission permit 54-kilohertz operations on four new channels that would correspond with these 200-kilohertz channels, specifically authorizing such wireless microphone operations on frequencies centered at 169.545 MHz, 169.605 MHz, 169.995 MHz, and 170.055 MHz. The Commission did not, however, revise its rules to eliminate the current authorizations to operate 54-kilohertz wireless microphones on the channels centered at 169.445 MHz, 169.505 MHz, 170.245 MHz, and 170.305 MHz. These channels will remain available for licensees that do not choose to obtain wireless microphones designed to operate on the newly-available channels. The approach the Commission has taken serves to provide additional opportunities for wireless microphone licensees that purchase new equipment that can make full and efficient use of the band, whether for professional-quality 200-kilohertz microphones or for 54-kilohertz wireless microphones, while at the same time continues to allow other licensees to operate 54-kilohertz wireless microphones on any of the current 54-kilohertz channels. The Commission noted that certain of the 54-kilohertz channels under our existing rules may overlap with one of the revised 200-kilohertz channels, and that operations on some of the existing 54-kilohertz channels potentially could continue to create intermodulation effects that could limit the full use of the 169–172 MHz band for wireless microphone operations. Under existing requirements, all wireless microphone applicants and licensees must cooperate in the selection and use of frequencies in order to reduce interference and make the most effective use of the authorized facilities. And, considering that wireless microphone users will be operating devices that operate at low power and transmit only short distances, and that the other operations in the band are not likely in the same areas, we do not anticipate that interference issues are likely to arise as a practical matter. In any event, the Commission expects that different licensees that potentially could suffer or cause interference to one another to cooperate and resolve any potential problem by mutually satisfactory arrangements.

31. *Licensed Wireless Microphone Operations in the 1435–1525 MHz Band.* In the *Wireless Microphones R&O,* the Commission authorized limited use of the 1435–1525 MHz band for licensed wireless microphone operations on a secondary basis in the band, provided that certain conditions and safeguards designed to protect the primary Aeronautical Mobile Telemetry (AMT) services in the band are met. It observed that the Commission's experience through the Special Temporary Authority (STA) process demonstrates that, under proper conditions, wireless microphones will be able to operate in this band without interfering with AMT operations. The Commission limited eligibility to professional users licensed under our part 74 LPAS rules, and emphasized that it was not opening up this band either for widespread use or for itinerant uses throughout the nation. It restricted use to specific fixed locations, such as large venues where there is a need to deploy large numbers of microphones (typically 100 or more) for specified time periods and indicated that access to the band is intended for situations in which the other available spectrum resources are insufficient.

32. On reconsideration, the Commission affirmed the decision establishing a 30 megahertz limit on the amount of spectrum available for wireless microphone operations in the 1435–1525 MHz band at a particular location. The Commission did, however, provide clarifications regarding how this limitation applies with respect to different wireless microphone users and to particular areas of operations, which should help accommodate more wireless microphone users that operate in the same general area and have a need for access to spectrum in this band. In those few extraordinary instances in which a particular licensed wireless microphone user can demonstrate that access to more than 30 megahertz of this band for a specified event is merited, the STA process remains available for addressing those needs.

33. In the *Wireless Microphones R&O,* the Commission stated that ''all wireless microphones operating in a particular area'' would be limited to access to no more than 30 megahertz in the 1435–1525 MHz band. In affirming the decision to place a limit on the amount of spectrum available for wireless microphone use in a particular area, we clarify that this 30-megahertz limit will be applied to each licensed wireless microphone user seeking access to spectrum in the 1435–1525 MHz band for its own wireless microphone operations at a particular location or venue. The Commission concluded that the 30 megahertz limitation as clarified is reasonable and consistent with the Commission's goals associated with operations in this band. The Commission disagreed with petitioners who argue there was insufficient notice or basis in the record for adopting a 30-megahertz limitation in the first place. In the *Wireless Microphones NPRM,* the Commission proposed only limited use of the 1435–1525 MHz band for wireless microphone use, stated that it was not proposing to open the band to widespread use, and noted its overarching goal of promoting efficient use of spectrum when accommodating wireless microphone operations. In response to the notice, and as discussed in the *Wireless Microphones R&O,* some commenting parties expressed concerns that accommodation of wireless microphones in the band not limit other secondary uses of the band (*i.e.,* video services that access the band through the STA process), or objected to the Commission making the entire 90 megahertz available for wireless microphone use. While the Commission did not specifically propose a 30-megahertz limit, the Commission made clear that in addition to its proposal regarding potential limits (*e.g.,* restricting operations to specific, fixed locations at specific times) it would consider ''alternative proposals'' on ''any other regulatory or technical issues relevant to consideration'' of whether to authorize wireless microphone operations in the 1435–1525 MHz band. As evidenced by commenter objections to making the entire 90 megahertz in the band available for wireless microphone use, this guidance was sufficient to apprise interested parties that the Commission might consider additional limitations for wireless microphone operations (like the 30-megahertz limitation) on the amount of spectrum that a licensee could access under a given license. As such, the Commission's decision to adopt the 30-megahertz limitation was, at a minimum, a logical outgrowth of the proposals made in the *Wireless Microphones NPRM,* and thus complied with notice requirements.

34. Moreover, the record contains ample basis to support the balance that the Commission sought to achieve when establishing the 30-megahertz limitation for operations in this band—*i.e.,* accommodating wireless microphone

operations through access to spectrum in this band along with other bands, while also promoting efficient spectrum use. By limiting a particular operator to access to no more than 30 megahertz of the spectrum in this band, we also promote our goals concerning efficient use of the spectrum in this band, and we help ensure that other licensed wireless microphone users can access portions of this spectrum for their needs as well. While there may be extraordinary situations or special events in which access to 30 megahertz in this band may be insufficient, for which the STA process remains available (as discussed below), we are not persuaded by petitioners that we should remove the general limitation and instead provide a particular user with general access to all 90 megahertz of spectrum in the band. In sum, we conclude that a 30-megahertz limitation is balanced and reasonable, particularly with the clarification that follows regarding implementation of this limitation.

35. The Commission also clarified how this general limitation will apply to different licensed wireless microphone users that may operate in the same general area or location. The Commission recognized, as noted by the petitioner and commenters above, that in some areas of the country the spectrum available for licensed wireless microphone operations may be quite constrained (*e.g.,* the theater district in New York City, or the Las Vegas strip). The Commission also recognized that different users in that same general area or location may be seeking to access portions of the same general spectrum resource for their respective wireless microphone operations at a particular venue. While the Commission is limiting each wireless microphone user's operations in a particular area or venue to access to no more than 30 megahertz in the band (*i.e.,* one-third of the spectrum in the band), as discussed above, the Commission clarified that different users in the same general area can each access up to 30 megahertz of the spectrum in the band for their respective wireless microphone operations.

36. As discussed above, there may be extraordinary situations for which a licensed wireless microphone user may need access to more than 30 megahertz of spectrum in the band for a specific event at a particular location or area. For any such extraordinary event, the STA process remains available to meet these needs. In keeping with existing requirements for obtaining an STA, the wireless microphone licensee would need to demonstrate that all of the spectrum resources available to it for that event are insufficient to meet its needs. The Commission rejected Shure's request that we eliminate use of STAs in this band for either wireless microphone or video production operations. The Commission recognized that, for particular events, both professional wireless microphone users and professional video production services may seek access to spectrum in the 1435–1525 MHz band through STAs in the same general location or area. To the extent that these different entities may seek access to the 1435–1525 MHz band at the same location and time for scheduled events, the Commission expected these users to coordinate their audio and video operations.

37. *Licensed Wireless Microphone Operations in the 941.5–944 MHz Band.* In the *Wireless Microphones R&O,* the Commission revised its rules to provide new opportunities for licensed wireless microphone operations in the bands adjacent to the 944–952 MHz band, which has long been available for wireless microphone operations under the Commission's part 74 LPAS rules. Given the need to coordinate the wireless microphone operations with the various incumbent primary Federal fixed services that may operate at different frequencies and locations throughout the 941.5–944 MHz band, we provide the following guidance. After coordination of proposed wireless microphone operations with incumbent non-Federal users through the local SBE coordinator, the applicant will file its application for an LPAS license with the Commission. In addition to the basic technical information (such as the particular frequencies and maximum power levels that the applicant proposes to use), the applicant is required to provide a description of the proposed location and area(s) of operation. To facilitate the Commission's coordination of the proposed wireless microphone operations with incumbent Federal users, each application should provide sufficient specificity regarding the proposed location(s) (*e.g.,* venues) of the wireless microphone operations for which the applicant seeks authorization, and limit its request only to the area(s) necessary to meet its particular communications needs. Providing such specificity is consistent with the approach used for coordinating co-primary non-Federal fixed service applications with Federal fixed operations in the band, and also is consistent with the approach taken with regard to secondary licensed wireless microphone operations in the 1435–1525 MHz band. Finally, the Commission noted that, under the applicable LPAS rules, wireless microphone licensees are not granted exclusive frequency assignments for their secondary operations. Accordingly, the grant of a LPAS license to one entity for wireless microphone operations at a specified location (*e.g.,* a venue) does not preclude the grant of additional LPAS licenses to other entities at the same location following successful coordination of their proposed operations with the primary users of the band.

38. *Updating Rules to Reflect 600 MHz Band Plan and Other Miscellaneous Revisions.* The broadcast television incentive auction closed on April 13, 2017. As a result, the 600 MHz Band Plan is now finalized, and the specific frequencies associated with the 600 MHz service band, the 600 MHz guard band, and the 600 MHz duplex gap are now established. Accordingly, the Commission updated various rule parts in part 15 (affecting unlicensed wireless microphone operations) and part 74 (affected licensed wireless microphone operations) to reflect the 600 MHz Band Plan. In addition, the Commission updated these rules to reflect specific calendar dates for compliance with various requirements that attach based on the date of release of the *Closing and Channel Reassignment PN* and the establishment of the post-auction transition period. Finally, the Commission also took this opportunity to reinsert part of a rule provision in § 87.303(d)(1) that had been inadvertently deleted with the rule changes adopted in the *Wireless Microphones R&O*.

Procedural Matters

39. *Paperwork Reduction Analysis.* This Order on Reconsideration contains new information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002 (SBPRA), Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

40. We have assessed the effects of various changes and clarifications to the *Wireless Microphones R&O* and *TV*

Bands Part 15 R&O that might impose information collection burdens on small business concerns, and find that those changes and clarifications facilitate licensed and unlicensed wireless microphone use of various frequency bands and provide wireless microphone manufacturers with greater flexibility in designing products to meet market demands. We anticipate no adverse impacts on small business concerns with fewer than 25 employees.

41. *Congressional Review Act.* The Commission will send a copy of this Order on Reconsideration to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

42. *Final Regulatory Flexibility Analysis.* The Regulatory Flexibility Act (RFA) requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' According, we have prepared Final Regulatory Flexibility Analysis concerning the possible impact of the Order on Reconsideration on small entities. While the Order on Reconsideration generally upholds the rules adopted in the *Wireless Microphones R&O* and the *TV Bands Part 15 R&O,* it makes the changes and clarifications specified above. These changes and clarifications facilitate licensed and unlicensed wireless microphone use of various frequency bands by permitting more flexibility in meeting the technical requirements relating to emission limits, more efficient use of the 169–172 MHz band, increased access to the 1435–1525 MHz band, and the possibility of interference protection for certain professional unlicensed wireless microphone users; resolving uncertainties in the rules regarding power requirements, when unlicensed microphones can continue to operate equipment certified under part 74, and when wireless microphone applicants must coordinate; and providing wireless microphone manufacturers with greater flexibility in designing products to meet market demands.

43. The Commission anticipates no adverse economic impact on small entities because, with one exception, the changes provide these entities benefits previously unavailable to them, as opposed to mandating new requirements on them. That exception involves the clarification that applicants for LPAS licenses to operate wireless microphones on frequencies in the 941.5–944 MHz band are required to have their proposed operations successfully coordinated with Federal users. However, the Commission believes that this requirement will impose only a *de minimis* burden. Significant alternatives considered include making no changes to the rules adopted in the *Wireless Microphones R&O* and in the *TV Bands Part 15 R&O* or making more extensive changes to those rules. However, the Commission finds that the relatively limited number of changes made in the Order best balances the needs of wireless microphone users and manufacturers and other entities that use the same frequency bands by providing wireless microphone users and manufacturers increased flexibility to meet their requirements in those bands without impairing other entities' access to the bands.

Ordering Clauses

44. *It is ordered* that, pursuant to sections 1, 4(i), 4(j), 7(a), 301, 302, 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 157(a), 301, 302a, 303(f), 303(g), and 303(r), and section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C 553(b)(B), this Order on Reconsideration *is adopted*.

45. *It is ordered* that parts 2, 15, 74, 87, and 90 of the Commission's rules, 47 CFR parts 2, 15, 74, 87, and 90, *are amended* as set forth in the Final Rules.

46. *It is ordered* that the rules adopted herein *will become effective* October 2, 2017, except for § 74.803(c) and (d) of our rules, which contains a new information collection requirement that requires approval by the OMB under the PRA, which *will become effective* after the Commission publishes a notice in the **Federal Register** announcing such approval and the relevant effective date.

47. *It is further ordered* that, pursuant to section 405 of the Communications Act of 1934, as amended, 47 U.S.C. 405, and § 1.429 of the Commission's rules, 47 CFR 1.429, the Petitions for Reconsideration of the Report and Order in GN Docket No. 14–166 and GN Docket No. 12–268, filed by Audio-Technica, U.S., Inc., Sennheiser Electronic Corporation, Lectrosonics, Inc., and Shure Incorporated, and the Petitions for Reconsideration of the Report and Order in ET Docket No. 14–165 and GN Docket No. 12–268, filed by Audio-Technica, U.S., Inc., Sennheiser Electronic Corporation, and Shure Incorporated *are granted in part and denied in part* to the extent described herein.

48. *It is ordered,* pursuant to sections 4(i) and (j) of the Communications Act, as amended, 47 U.S.C. 154(i) and (j), and §§ 0.131 and 0.331 of the Commission's rules, 47 CFR 0.131, 0.331, that WT Docket Nos. 08–166 and 08–167 and ET Docket No. 10–24 *are terminated*.

List of Subjects

47 CFR Part 2

Telecommunications.

47 CFR Part 15

Communications equipment.

47 CFR Part 74

Incorporation by reference, Reporting and recordkeeping requirements.

47 CFR Part 87

Communications equipment.

47 CFR Part 90

Business and industry.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 2, 15, 74, 87, and 90 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

■ 1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

■ 2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

■ a. Revise page 32.

■ b. Revise footnotes US84 and US300 in the list of United States (US) Footnotes.

The revisions read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

BILLING CODE 6712–01–P

5.323	5.325	5.327	941-944 FIXED US268 US301 G2	941-944 FIXED US84 US268 US301 NG30 NG35	Public Mobile (22) Aural Broadcast Auxiliary (74E) Low Power Auxiliary (74H) Fixed Microwave (101)
942-960 FIXED MOBILE except aeronautical mobile 5.317A BROADCASTING 5.322 5.323	942-960 FIXED MOBILE 5.317A	942-960 FIXED MOBILE 5.317A BROADCASTING 5.320	944-960	944-960 FIXED NG35	
960-1164 AERONAUTICAL MOBILE (R) 5.327A AERONAUTICAL RADIONAVIGATION 5.328			960-1164 AERONAUTICAL MOBILE (R) 5.327A AERONAUTICAL RADIONAVIGATION 5.328 US224		Aviation (87)
1164-1215 AERONAUTICAL RADIONAVIGATION 5.328 RADIONAVIGATION-SATELLITE (space-to-Earth) (space-to-space) 5.328B 5.328A			1164-1215 AERONAUTICAL RADIONAVIGATION 5.328 RADIONAVIGATION-SATELLITE (space-to-Earth) (space-to-space) 5.328A US224		
1215-1240 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION RADIONAVIGATION-SATELLITE (space-to-Earth) (space-to-space) 5.328B 5.329 5.329A SPACE RESEARCH (active) 5.330 5.331 5.332			1215-1240 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION G56 RADIONAVIGATION-SATELLITE (space-to-Earth) (space-to-space) G132 SPACE RESEARCH (active) 5.332	1215-1240 Earth exploration-satellite (active) Space research (active)	
1240-1300 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION RADIONAVIGATION-SATELLITE (space-to-Earth) (space-to-space) 5.328B 5.329 5.329A SPACE RESEARCH (active) Amateur 5.282 5.330 5.331 5.332 5.335 5.335A			1240-1300 EARTH EXPLORATION-SATELLITE (active) RADIOLOCATION G56 SPACE RESEARCH (active) AERONAUTICAL RADIONAVIGATION 5.332 5.335	1240-1300 AERONAUTICAL RADIONAVIGATION Amateur Earth exploration-satellite (active) Space research (active) 5.282	Amateur Radio (97)
1300-1350 RADIOLOCATION AERONAUTICAL RADIONAVIGATION 5.337 RADIONAVIGATION-SATELLITE (Earth-to-space) 5.149 5.337A			1300-1350 AERONAUTICAL RADIONAVIGATION 5.337 Radiolocation G2 US342	1300-1350 AERONAUTICAL RADIONAVIGATION 5.337 US342	Aviation (87)
1350-1400 FIXED MOBILE RADIOLOCATION	1350-1400 RADIOLOCATION 5.338A		1350-1390 FIXED MOBILE RADIOLOCATION G2 5.334 5.339 US342 US385 G27 G114	1350-1390 5.334 5.339 US342 US385	
			1390-1395 5.339 US79 US342 US385	1390-1395 FIXED MOBILE except aeronautical mobile 5.339 US79 US342 US385 NG338A	Wireless Communications (27)
5.149 5.338 5.338A 5.339	5.149 5.334 5.339		1395-1400 LAND MOBILE (medical telemetry and medical telecommand) 5.339 US79 US342 US385		Personal Radio (95)

BILLING CODE 6712–01–C

* * * * *

United States (US) Footnotes

* * * * *

US84 In the bands 941.5–944 MHz and 1435–1525 MHz, low power auxiliary stations may be authorized on a secondary basis, subject to the terms and conditions set forth in 47 CFR part 74, subpart H.

* * * * *

US300 The frequencies 169.445, 169.505, 169.545, 169.575, 169.605, 169.995, 170.025, 170.055, 170.245, 170.305, 171.045, 171.075, 171.105, 171.845, 171.875, and 171.905 MHz are available for wireless microphone operations on a secondary basis to Federal and non-Federal operations. On center frequencies 169.575 MHz, 170.025 MHz, 171.075 MHz, and 171.875 MHz, the emission bandwidth shall not exceed 200 kHz. On the other center frequencies, the emission bandwidth shall not exceed 54 kHz.

* * * * *

PART 15—RADIO FREQUENCY DEVICES

■ 3. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a, and 549.

■ 4. Section 15.37 is amended by revising paragraph (i) and paragraph (k) introductory text to read as follows:

§ 15.37 Transition provisions for compliance with the rules.

* * * * *

(i) As of December 26, 2017, wireless microphones for which an application for certification is filed must comply with the requirements of § 15.236. Manufacturing and marketing of wireless microphones that would not comply with the rules for operation in § 15.236 must cease no later than September 24, 2018. Only wireless microphones certified for operation under this part may be operated under this part as of July 13, 2020.

* * * * *

(k) *Disclosure requirements for unlicensed wireless microphones capable of operating in the 600 MHz service band.* Any person who manufactures, sells, leases, or offers for sale or lease, unlicensed wireless microphones that are capable of operating in the 600 MHz service band, as defined in this part, on or after July 13, 2017, is subject to the following disclosure requirements:

* * * * *

■ 5. Section 15.203 is revised to read as follows:

§ 15.203 Antenna requirement.

An intentional radiator shall be designed to ensure that no antenna other than that furnished by the responsible party shall be used with the device. The use of a permanently attached antenna or of an antenna that uses a unique coupling to the intentional radiator shall be considered sufficient to comply with the provisions of this section. The manufacturer may design the unit so that a broken antenna can be replaced by the user, but the use of a standard antenna jack or electrical connector is prohibited. This requirement does not apply to carrier current devices or to devices operated under the provisions of §§ 15.211, 15.213, 15.217, 15.219, 15.221, or § 15.236. Further, this requirement does not apply to intentional radiators that must be professionally installed, such as perimeter protection systems and some field disturbance sensors, or to other intentional radiators which, in accordance with § 15.31(d), must be measured at the installation site. However, the installer shall be responsible for ensuring that the proper antenna is employed so that the limits in this part are not exceeded.

■ 6. Section 15.236 is amended by revising paragraphs (a)(2) through (4), (c)(1), (c)(3), removing and reserving paragraph (c)(4), revising paragraphs (c)(5), (d)(2), and (g) to read as follows:

§ 15.236 Operation of wireless microphones in the bands 54–72 MHz, 76–88 MHz, 174–216 MHz, 470–608 MHz and 614–698 MHz.

* * * * *

(a) * * *

(2) *600 MHz duplex gap.* An 11 megahertz guard band at 652–663 MHz that separates part 27 600 MHz service uplink and downlink frequencies.

(3) *600 MHz guard band.* Designated frequency band at 614–617 MHz that prevents interference between licensed services in the 600 MHz service band and channel 37.

(4) *600 MHz service band.* Frequencies in the 617–652 MHz and 663–698 MHz bands that are reallocated and reassigned for 600 MHz band services under part 27.

* * * * *

(c) * * *

(1) Channels allocated and assigned for the broadcast television service.

* * * * *

(3) The 657–663 MHz segment of the 600 MHz duplex gap.

(4) [Reserved]

(5) The 614–616 MHz segment of the 600 MHz guard band.

* * * * *

(d) * * *

(2) In the 600 MHz guard band and the 600 MHz duplex gap: 20 mW EIRP.

* * * * *

(g) Emissions within the band from one megahertz below to one megahertz above the carrier frequency shall comply with the emission mask in § 8.3 of ETSI EN 300 422–1 V1.4.2 (2011–08), *Electromagnetic compatibility and Radio spectrum Matters (ERM); Wireless microphones in the 25 MHz to 3 GHz frequency range; Part 1: Technical characteristics and methods of measurement.* Emissions outside of this band shall comply with the limits specified in section 8.4 of ETSI EN 300 422–1 V1.4.2 (2011–08).

■ 7. Section 15.711 is amended by revising paragraph (a) to read as follows:

§ 15.711 Interference avoidance methods.

* * * * *

(a) *Geolocation required.* White space devices shall rely on a geolocation capability and database access mechanism to protect the following authorized service in accordance with the interference protection requirements of § 15.712: Digital television stations, digital and analog Class A, low power, translator and booster stations; translator receive operations; fixed broadcast auxiliary service links; private land mobile service/commercial radio service (PLMRS/CMRS) operations; offshore radiotelephone service; low power auxiliary services authorized pursuant to §§ 74.801 through 74.882 of this chapter, including licensed wireless microphones; MVPD receive sites; wireless medical telemetry service (WMTS); radio astronomy service (RAS); and 600 MHz service band licensees where they have commenced operations, as defined in § 27.4 of this chapter. In addition, protection shall be provided in border areas near Canada and Mexico in accordance with § 15.712(g).

* * * * *

■ 8. Section 15.713 is amended by removing and reserving paragraph (j)(9) as follows:

§ 15.713 White space database.

* * * * *

(j) * * *

(9) [Reserved]

* * * * *

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 9. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 336, and 554.

■ 10. Section 74.801 is amended by removing the ''Note to Definitions of

600 MHz Duplex Gap, 600 MHz Guard Bands, and 600 MHz Service Band,'' and by revising the definitions of ''600 MHz duplex gap,'' ''600 MHz guard bands,'' and ''600 MHz service band'' to read as follows:

§ 74.801 Definitions.

600 MHz duplex gap. An 11 megahertz guard band at 652–663 MHz that separates part 27 600 MHz service uplink and downlink frequencies.

600 MHz guard band. Designated frequency band at 614–617 MHz that prevents interference between licensed services in the 600 MHz service band and channel 37.

600 MHz service band. Frequencies in the 617–652 MHz and 663–698 MHz bands that are reallocated and reassigned for 600 MHz band services under part 27.

* * * * *

■ 11. Section 74.802 is amended by revising paragraph (a)(1), adding Note to paragraph (a)(1) and revising paragraph (a)(2) to read as follows:

§ 74.802 Frequency assignment.

(a)(1) Frequencies within the following bands may be assigned for use by low power auxiliary stations:

26.100–26.480 MHz
54.000–72.000 MHz
76.000–88.000 MHz
161.625–161.775 MHz (except in Puerto Rico or the Virgin Islands)
174.000–216.000 MHz
450.000–451.000 MHz
455.000–456.000 MHz
470.000–488.000 MHz
488.000–494.000 MHz (except Hawaii)
494.000–608.000 MHz
614.000–698.000 MHz
941.500–944.000 MHz
944.000–952.000 MHz
952.850–956.250 MHz
956.45–959.85 MHz
1435–1525 MHz
6875.000–6900.000 MHz
7100.000–7125.000 MHz

Note to Paragraph (a)(1): Frequency assignments in the 614.000–698.000 MHz band are subject to conditions established in proceedings pursuant to GN Docket No. 12–268. This band is being transitioned to the 600 MHz service band, the 600 MHz guard band, and the 600 MHz duplex gap during the post-incentive auction transition period (as defined in § 27.4 of this chapter), which began on April 13, 2017. Low power auxiliary stations must comply with the applicable conditions with respect to any assignment to operate on frequencies repurposed for the 600 MHz service band, the 600 MHz guard band, and the 600 MHz duplex gap, respectively. This rule will be further updated, pursuant to public notice or subsequent Commission action, to reflect additional changes that implement the determinations made in these proceedings.

(2) The 653.000–657.000 MHz segment of the 600 MHz duplex gap may be assigned for use by low power auxiliary service.

* * * * *

■ 12. Section 74.803 is amended by revising paragraphs (c) and (d) to read as follows:

§ 74.803 Frequency selection to avoid interference.

* * * * *

(c) In the 941.5–944 MHz, 944–952 MHz, 952.850–956.250 MHz, 956.45–959.85 MHz, 6875.000–6900.000 MHz, and 7100.000–7125.000 MHz bands low power auxiliary station usage is secondary to other uses (*e.g.* Aural Broadcast Auxiliary, Television Broadcast Auxiliary, Cable Relay Service, Fixed Point to Point Microwave) and must not cause harmful interference. In the 941.5–944 MHz band, low power auxiliary station usage also is secondary to Federal operations in the band. In each of these bands, applicants are responsible for selecting the frequency assignments that are least likely to result in mutual interference with other licensees in the same area. Applicants must consult local frequency coordination committees, where they exist, for information on frequencies available in the area. In selecting frequencies, consideration should be given to the relative location of receive points, normal transmission paths, and the nature of the contemplated operation.

(d) In the 1435–1525 MHz band, low power auxiliary station (LPAS) authorizations are limited to operations at fixed locations, and only to the extent that applicable requirements have been met for the proposed operations at those specified locations.

(1) Each authorization is limited to specific events or situations for which there is a need to deploy large numbers of LPAS for specified time periods, and use of other available spectrum resources at that particular location is insufficient to meet the LPAS licensee's needs.

(2) The access to spectrum in the band must be coordinated with the frequency coordinator for aeronautical mobile telemetry, the Aerospace and Flight Test Radio Coordinating Committee (AFTRCC) prior to operations at the specified location and period of time, with AFTRCC indicating whether any specific frequencies in the band are unavailable for use. LPAS devices must complete authentication and location verification before operations begin, employ software-based controls or similar functionality to prevent devices in the band from operating except in the specific channels, locations, and time periods that have been coordinated, and be capable of being tuned to any frequency in the band.

(3) LPAS users may have access to no more than 30 megahertz of spectrum (one third of the 1435–1525 MHz band) for their operations at the specified locations. Different users in the same general area each can access up to 30 megahertz of spectrum for their respective operations. All licensees that have successfully coordinated with AFTRCC for access to the 1435–1525 MHz band for operations at their specified locations in the same general area must, to the extent necessary, coordinate their particular access to and use of spectrum with other licensees to minimize the potential for interference between and among the different operations.

■ 13. Section 74.831 is revised to read as follows:

§ 74.831 Scope of service and permissible transmissions.

The license for a low power auxiliary station authorizes the transmission of cues and orders to production personnel and participants in broadcast programs, motion pictures, and major events or productions and in the preparation therefor, the transmission of program material by means of a wireless microphone worn by a performer and other participants in a program, motion picture, or major event or production during rehearsal and during the actual broadcast, filming, recording, or event or production, or the transmission of comments, interviews, and reports from the scene of a remote broadcast. Low power auxiliary stations operating in the 941.5–944 MHz, 944–952 MHz, 952.850–956.250 MHz, 956.45–959.85 MHz, 6875–6900 MHz, and 7100–7125 MHz bands may, in addition, transmit synchronizing signals and various control signals to portable or hand-carried TV cameras which employ low power radio signals in lieu of cable to deliver picture signals to the control point at the scene of a remote broadcast.

■ 14. Section 74.832 is amended by revising paragraph (d) to read as follows:

§ 74.832 Licensing requirements and procedures.

* * * * *

(d) Cable television operations, motion picture and television program producers, large venue owners or operators, and professional sound companies may be authorized to operate low power auxiliary stations in the bands allocated for TV broadcasting, the 653–657 MHz band, the 941.5–944 MHz

band, the 944–952 MHz band, the 952.850–956.250 MHz band, the 956.45–959.85 MHz band, the 1435–1525 MHz band, the 6875–6900 MHz band, and the 7100–7125 MHz band. In the 6875–6900 MHz and 7100–7125 MHz bands, entities eligible to hold licenses for cable television relay service stations (see § 78.13 of this chapter) shall also be eligible to hold licenses for low power auxiliary stations.

* * * * *

■ 15. Section 74.851 is amended by revising paragraphs (i) through (k), and paragraph (l) introductory text to read as follows:

§ 74.851 Certification of equipment, prohibition on manufacture, import, sale, lease, offer for sale or lease, or shipment of devices that operate in the 700 MHz or the 600 MHz Band; labeling for 700 MHz or 600 MHz band equipment destined for non-U.S. markets; disclosures.

* * * * *

(i) As of January 13, 2018, applications for certification shall no longer be accepted for low power auxiliary stations or wireless video assist devices that are capable of operating in the 600 MHz service band or the 600 MHz guard band, or for low power auxiliary stations that are capable of operating in the 600 MHz duplex gap unless the operations are limited to the 653–657 MHz segment.

(j) As of October 13, 2018, no person shall manufacture, import, sell, lease, offer for sale or lease, or ship low power auxiliary stations or wireless video assist devices that are capable of operating in the 600 MHz service band or the 600 MHz guard bands, or low power auxiliary stations that are capable of operating in the 600 MHz duplex gap unless the operations are limited to the 653–657 MHz segment. This prohibition does not apply to devices manufactured solely for export.

(k) As of October 13, 2018, any person who manufacturers, sells, leases, or offer for sale or lease low power auxiliary stations or wireless video assist devices that are destined for non-U.S. markets and that are capable of operating in the 600 MHz service band or the 600 MHz guard bands, or low power auxiliary stations that are capable of operating in the 600 MHz duplex gap unless such operations are limited to the 653–657 MHz segment, shall include labeling and make clear in all sales, marketing, and packaging materials, including online materials, relating to such devices that the devices cannot be operated in the United States.

(l) Disclosure requirements for low power auxiliary stations and wireless video assist devices capable of operating in the 600 MHz service band. Any person who manufactures, sells, leases, or offers for sale or lease low power auxiliary stations or wireless video devices that are capable of operating in the 600 MHz service band on or after July 13, 2017, is subject to the following disclosure requirements:

* * * * *

■ 16. Section 74.861 is amended by revising paragraphs (d)(3), (d)(4)(i) through (iii), and (e)(7) to read as follows:

§ 74.861 Technical requirements.

* * * * *

(d) * * *

(3) For the 26.1–26.480 MHz, 161.625–161.775 MHz, 450–451 MHz, and 455–456 MHz bands, the occupied bandwidth shall not be greater than that necessary for satisfactory transmission and, in any event, an emission appearing on any discrete frequency outside the authorized band shall be attenuated, at least, $43+10\log^{10}$ (mean output power, in watts) dB below the mean output power of the transmitting unit. The requirements of this paragraph shall also apply to the applications for certification of equipment for the 944–952 MHz band until January 13, 2018.

(4)(i) For the 653–657 MHz, 941.5–944 MHz, 944–952 MHz, 952.850–956.250 MHz, 956.45–959.85 MHz, 1435–1525 MHz, 6875–6900 MHz and 7100–7125 MHz bands, analog emissions within the band from one megahertz below to one megahertz above the carrier frequency shall comply with the emission mask in section 8.3.1.2 of the European Telecommunications Institute Standard ETSI EN 300 422–1 v1.4.2 (2011–08), Electromagnetic compatibility and Radio spectrum Matters (ERM); Wireless microphones in the 25 MHz to 3 GHz frequency range; Part 1: Technical characteristics and methods of measurement. Beyond one megahertz below and above the carrier frequency, emissions shall comply with the limits specified in section 8.4 of ETSI EN 300 422–1 v1.4.2 (2011–08).

(ii) For the 653–657 MHz, 941.5–944 MHz, 944–952 MHz, 952.850–956.250 MHz, 956.45–959.85 MHz, and 1435–1525 MHz bands, digital emissions within the band from one megahertz below to one megahertz above the carrier frequency shall comply with the emission mask in section 8.3.2.2 (Figure 4) of the European Telecommunications Institute Standard ETSI EN 300 422–1 v1.4.2 (2011–08), Electromagnetic compatibility and Radio spectrum Matters (ERM); Wireless microphones in the 25 MHz to 3 GHz frequency range; part 1: Technical characteristics and methods of measurement. Beyond one megahertz below and above the carrier frequency, emissions shall comply with the limits specified in section 8.4 of ETSI EN 300 422–1 v1.4.2 (2011–08).

(iii) In the 6875–6900 MHz and 7100–7125 MHz bands, digital emissions within the band from one megahertz below to one megahertz above the carrier frequency shall comply with the emission mask in section 8.3.2.2 (Figure 5) of the European Telecommunications Institute Standard ETSI EN 300 422–1 v1.4.2 (2011–08), Electromagnetic compatibility and Radio spectrum Matters (ERM); Wireless microphones in the 25 MHz to 3 GHz frequency range; part 1: Technical characteristics and methods of measurement. Beyond one megahertz below and above the carrier frequency, emissions shall comply with the limits specified in section 8.4 of ETSI EN 300 422–1 v1.4.2 (2011–08).

* * * * *

(e) * * *

(7) Analog emissions within the band from one megahertz below to one megahertz above the carrier frequency shall comply with the emission mask in section 8.3.1.2 of the European Telecommunications Institute Standard ETSI EN 300 422–1 v1.4.2 (2011–08), Electromagnetic compatibility and Radio spectrum Matters (ERM); Wireless microphones in the 25 MHz to 3 GHz frequency range; part 1: Technical characteristics and methods of measurement. Digital emissions within the band from one megahertz below to one megahertz above the carrier frequency shall comply with the emission mask in section 8.3.2.2 (Figure 4) of the European Telecommunications Institute Standard ETSI EN 300 422–1 v1.4.2 (2011–08), Electromagnetic compatibility and Radio spectrum Matters (ERM); Wireless microphones in the 25 MHz to 3 GHz frequency range; part 1: Technical characteristics and methods of measurement. Beyond one megahertz below and above the carrier frequency, emissions shall comply with the limits specified in section 8.4 of ETSI EN 300 422–1 v1.4.2 (2011–08). The requirements of this paragraph (e)(7) shall not apply to applications for certification of equipment in these bands until nine months after release of the Commission's Channel Reassignment Public Notice, as defined in § 73.3700(a)(2) of this chapter.

* * * * *

PART 87—AVIATION SERVICES

■ 17. The authority citation for part 87 continues to read as follows:

Authority: 47 U.S.C. 154, 303, and 307(e), unless otherwise noted.

■ 18. Section 87.303 is amended by revising paragraph (d)(1) and adding paragraph (d)(4) to read as follows:

§ 87.303 Frequencies.

* * * * *

(d) * * *

(1) Frequencies in the 1435–1525 MHz and 2360–2395 MHz bands are assigned in the mobile service primarily for aeronautical telemetry and associated telecommand operations for flight testing of aircraft and missiles, or their major components. Until January 1, 2020, the 2345–2360 MHz band is also available to licensees holding a valid authorization on April 23, 2015 for these purposes on a secondary basis. Permissible uses of these bands include telemetry and associated telecommand operations associated with the launching and reentry into the Earth's atmosphere, as well as any incidental orbiting prior to reentry, of objects undergoing flight tests. In the 1435–1525 MHz band, the following frequencies are shared on a co-equal basis with flight telemetering mobile stations: 1444.5, 1453.5, 1501.5, 1515.5, and 1524.5 MHz. In the 2360–2395 MHz band, the following frequencies may be assigned for telemetry and associated telecommand operations of expendable and re-usable launch vehicles, whether or not such operations involve flight testing: 2364.5, 2370.5 and 2382.5 MHz. All other mobile telemetry uses of the 2360–2395 MHz band shall be on a non-interfering and unprotected basis to the above uses.

* * * * *

(4) Frequencies in the bands 1435–1525 MHz are also available for low power auxiliary station use on a secondary basis.

* * * * *

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

■ 19. The authority citation for part 90 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r), and 332(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), and 332(c)(7), and Title VI of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112–96, 126 Stat. 156.

■ 20. Section 90.265 is amended by revising paragraph (b) introductory text and paragraph (b)(1) to read as follows:

§ 90.265 Assignment and use of frequencies in the bands allocated for Federal use.

* * * * *

(b) The following frequencies are available for wireless microphone operations to eligibles in this part, subject to the provisions of this paragraph:

Frequencies (MHz)

169.445
169.505
169.545
169.575
169.605
169.995
170.025
170.055
170.245
170.305
171.045
171.075
171.105
171.845
171.875
171.905

(1) On center frequencies 169.575 MHz, 170.025 MHz, 171.075 MHz, and 171.875 MHz, the emission bandwidth shall not exceed 200 kHz. On the other center frequencies listed in this paragraph (b), the emission bandwidth shall not exceed 54 kHz.

* * * * *

[FR Doc. 2017–17442 Filed 8–31–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 170223197–7311–01]

RIN 0648–XF605

International Fisheries; Pacific Tuna Fisheries; 2017 Bigeye Tuna Longline Fishery Closure in the Eastern Pacific Ocean

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is temporarily closing the U.S. pelagic longline fishery for bigeye tuna for vessels over 24 meters in overall length in the eastern Pacific Ocean (EPO) through December 31, 2017, because the 2017 catch limit of 500 metric tons is expected to be reached. This action is necessary to prevent the fishery from exceeding the applicable catch limit established by the Inter-American Tropical Tuna Commission (IATTC) in Resolution C–17–01 (Conservation of Tuna in the Eastern Pacific Ocean during 2017).

DATES: The rule is effective 12:00 a.m. local time September 8, 2017, through 11:59 p.m. local time December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Taylor Debevec, NMFS West Coast Region, 562–980–4066.

SUPPLEMENTARY INFORMATION: The United States is a member of the IATTC, which was established under the Convention for the Establishment of an Inter-American Tropical Tuna Commission signed in 1949 (Convention). The Convention provides an international agreement to ensure the effective international conservation and management of highly migratory species of fish in the IATTC Convention Area. The IATTC Convention Area, as amended by the Antigua Convention, includes the waters of the EPO bounded by the coast of the Americas, the 50° N. and 50° S. parallels, and the 150° W. meridian.

Pelagic longline fishing in the EPO is managed, in part, under the Tuna Conventions Act as amended (Act), 16 U.S.C. 951–962. Under the Act, NMFS must publish regulations to carry out recommendations of the IATTC that have been approved by the Department of State (DOS). Regulations governing fishing by U.S. vessels in accordance with the Act appear at 50 CFR part 300, subpart C. These regulations implement IATTC recommendations for the conservation and management of highly migratory fish resources in the EPO.

In 2017, the IATTC adopted Resolution C–17–01, which establishes an annual catch limit of bigeye tuna for longline vessels over 24 meters. For calendar year 2017, the catch of bigeye tuna by longline gear in the IATTC Convention Area by fishing vessels of the United States that are over 24 meters in overall length is limited to 500 metric tons per year. With the approval of the DOS, NMFS implemented this catch limit by notice-and-comment rulemaking under the Act (82 FR 17382, April 11, 2017, and codified at 50 CFR 300.25).

NMFS, through monitoring the retained catches of bigeye tuna using logbook data submitted by vessel captains and other available information from the longline fisheries in the IATTC Convention Area, has determined that the 2017 catch limit is expected to be reached by September 8, 2017. In accordance with 50 CFR 300.25(a), this **Federal Register** notice announces that the U.S. longline fishery for bigeye tuna in the IATTC Convention Area will be closed for vessels over 24 meters in overall length starting on September 8, 2017, through the end of the 2017

calendar year. The 2018 fishing year is scheduled to open on January 1, 2018; the bigeye tuna catch limit for longline vessels over 24 meters in overall length has yet to be established through domestic rulemaking, though, the IATTC agreed to a U.S. limit of 750 mt in a new resolution (C–17–02) at the 92nd Meeting in July 2017.

During the closure, a U.S. fishing vessel over 24 meters in overall length may not be used to retain on board, transship, or land bigeye tuna captured by longline gear in the IATTC Convention Area, except as follows:

- Any bigeye tuna already on board a fishing vessel on September 8, 2017, may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided all bigeye tuna are landed within 14 days after the effective date of this rule, that is, no later than September 22, 2017.
- The 14-day limit is waived in the case of a U.S. fishing vessel that has already declared to NMFS, pursuant to 50 CFR 665.803(a), that the current trip type is shallow-setting. However, the number of bigeye tuna retained on board, transshipped, or landed must not exceed the number on board the vessel on September 22, 2017, as recorded by the NMFS observer on board the vessel.

Other prohibitions during the closure include the following:

- Bigeye tuna caught by a United States vessel over 24 meters in overall length with longline gear in the IATTC Convention Area may not be transshipped to a fishing vessel unless that fishing vessel is operated in compliance with a valid permit issued under 50 CFR 660.707 or 665.801.
- A fishing vessel of the United States over 24 meters in overall length may not be used to fish in the Pacific Ocean using longline gear both inside and outside the Convention Area during the same fishing trip. The only exceptions are: a fishing trip during which the closure date was announced, and a trip for which a declaration has been made to NMFS, pursuant to 50 CFR 665.803(a), that the current trip is shallow-setting.
- If a fishing vessel of the United States over 24 meters in overall length is used to fish in the Pacific Ocean using longline gear outside the Convention Area and the vessel enters the Convention Area at any time after September 8, 2017, on the same fishing trip, the longline gear on the fishing vessel must be stowed in a manner so as not to be readily available for fishing. Specifically, the hooks, branch or dropper lines, and floats used to buoy the mainline must be stowed and not available for immediate use, and any power-operated mainline hauler on deck must be covered in such a manner that it is not readily available for use. This provision does not apply to trips in which vessels have made a declaration to NMFS, pursuant to 50 CFR 665.803(a), that the trip type is shallow-setting.

Classification

NMFS has determined there is good cause to waive prior notice and opportunity for public comment pursuant to 5 U.S.C. 553(b)(B). This action is based on the best available information and is necessary for the conservation and management of bigeye tuna. Compliance with the notice and comment requirement would be impracticable and contrary to the public interest because NMFS would be unable to ensure that the 2017 bigeye tuna catch limit applicable to longline vessels over 24 meters is not exceeded. The annual catch limit is an important mechanism to ensure that the United States complies with its international obligations in preventing overfishing and managing the fishery at optimum yield. For the same reasons, NMFS has also determined there is good cause to waive the requirement for a 30-day delay in effectiveness under 5 U.S.C. 553(d)(3).

This action is required by § 300.25(a) and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 951 *et seq.*

Dated: August 29, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–18577 Filed 8–29–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 101206604–1758–02]

RIN 0648–XF652

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2017 Commercial Accountability Measures and Closure for Atlantic Migratory Group Cobia

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements accountability measures (AMs) for Atlantic migratory group cobia that are sold (commercial) and harvested from the exclusive economic zone (EEZ) of the Atlantic. NMFS projects that commercial landings of Atlantic migratory group cobia have reached the commercial quota. Therefore, NMFS closes the commercial sector for Atlantic migratory group cobia in the EEZ on September 5, 2017, and it will remain closed until the next fishing year that begins on January 1, 2018. This closure is necessary to protect the resource of Atlantic migratory group cobia.

DATES: This rule is effective from 12:01 a.m., local time, September 5, 2017, until 12:01 a.m., local time, January 1, 2018.

FOR FURTHER INFORMATION CONTACT: Frank Helies, NMFS Southeast Regional Office, telephone: 727–824–5305, email: *frank.helies@noaa.gov*.

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish includes king mackerel, Spanish mackerel, and cobia, and is managed under the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils and is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) by regulations at 50 CFR part 622.

Separate migratory groups of cobia were established in Amendment 18 to the FMP (76 FR 82058, December 29, 2011), and then revised in Amendment 20B to the FMP (80 FR 4216, January 27, 2015). The southern boundary for Atlantic migratory group cobia occurs at a line that extends due east of the Florida and Georgia state border at 30°42′45.6″ N. lat. The northern boundary for Atlantic migratory group cobia is the jurisdictional boundary between the Mid-Atlantic and New England Fishery Management Councils, as specified in 50 CFR 600.105(a).

Atlantic migratory group cobia are unique among federally managed species in the southeast region, because no commercial permit is required to harvest and sell them. The distinction between commercial and recreational sectors is not as clear as other federally managed species in the southeast region. For example, regulations at 50 CFR part 622 specify quotas, annual catch limits, and AMs for cobia that are sold and cobia that are not sold. However, for purposes of this temporary

rule, Atlantic migratory group cobia that are sold are considered commercially caught, and those that are not sold are considered recreationally caught.

The commercial quota for Atlantic migratory group cobia is 50,000 lb (22,680 kg), round or gutted weight, for the 2017 fishing year, from January 1 through December 31, as specified in 50 CFR 622.384(d)(2).

The AMs for the commercial sector of Atlantic migratory group cobia, specified at 50 CFR 622.388(f)(1)(i), require that NMFS file a notification with the Office of the Federal Register to prohibit the sale and purchase of cobia for the remainder of the fishing year if commercial landings reach or are projected to reach the commercial quota specified in § 622.384(d)(2). The commercial AM is triggered for 2017, because NMFS projects that commercial landings of Atlantic migratory group cobia will reach the commercial quota on August 30, 2017. Accordingly, the commercial sector for Atlantic migratory group cobia is closed in the EEZ at 12:01 a.m., local time, on September 5, 2017, and remains closed until it reopens at 12:01 a.m., local time, January 1, 2018.

During the commercial closure, the sale and purchase of Atlantic migratory group cobia is prohibited. Additionally, on January 24, 2017, NMFS closed the recreational sector for Atlantic migratory group cobia in the EEZ for the remainder of the 2017 fishing year (82 FR 8363, January 25, 2017). Therefore, the possession limit for recreational Atlantic migratory group cobia in the EEZ is zero for the remainder of the 2017 fishing year. The prohibition on sale and purchase does not apply to Atlantic migratory group cobia that were harvested, landed ashore, and sold prior to 12:01 a.m., local time, September 5, 2017, and were held in cold storage by a dealer or processor.

Classification

The Regional Administrator for the NMFS Southeast Region has determined this temporary rule is necessary for the conservation and management of Atlantic migratory group cobia and is consistent with the Magnuson-Stevens Act and other applicable laws.

This action is taken under 50 CFR 622.388(f)(1)(i) and is exempt from review under Executive Order 12866.

These measures are exempt from the procedures of the Regulatory Flexibility Act because the temporary rule is issued without opportunity for prior notice and comment.

This action is based on the best scientific information available. The Assistant Administrator for NOAA Fisheries finds good cause to waive the requirements to provide prior notice and opportunity for public comment, pursuant to the authority set forth at 5 U.S.C. 553(b)(B), as such prior notice and opportunity for public comment is unnecessary and contrary to the public interest. Such procedures are unnecessary because the AMs for Atlantic migratory group cobia have already been subject to notice and comment, and all that remains is to notify the public of the commercial closure for the remainder of the 2017 fishing year. Prior notice and opportunity for public comment on this action would be contrary to the public interest, because of the need to immediately implement the commercial closure to protect Atlantic migratory group cobia, since the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment would require time and would potentially result in a harvest that exceeds the commercial quota.

For the aforementioned reasons, the AA also finds good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

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

Dated: August 29, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–18611 Filed 8–29–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 170808738–7777–01]

RIN 0648–BH11

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Groundfish Fishery; Fishing Year 2017; Emergency Removal of Southern Windowpane Accountability Measures

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

ACTION: Temporary rule; emergency action; request for comments.

SUMMARY: This emergency rule removes the 2017 southern windowpane flounder accountability measures for non-groundfish trawl vessels that were triggered as a result of a 2015 quota overage. The rule is necessary because new information indicates 2016 catch did not exceed the quota. This rule is intended to mitigate negative economic impacts to non-groundfish vessels, while maintaining conservation benefits for the southern windowpane flounder stock.

DATES: Effective September 1, 2017, through February 28. 2018. Comments must be submitted by October 2, 2017.

ADDRESSES: You may submit comments, identified by NOAA-NMFS-2017-0105 by any of the following methods:

- *Electronic submissions:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0105,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to John K. Bullard, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on the Windowpane Emergency Action.''

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Aja Szumylo, Fishery Policy Analyst, phone: 978–281–9195.

SUPPLEMENTARY INFORMATION: On August 1, 2017, we implemented accountability measures (AMs) in response to an overage of the 2015 southern windowpane flounder annual catch limit (ACL) (82 FR 35660). Due to data availability, AMs for windowpane flounder are typically implemented at the start of the second fishing year after an overage. The AMs require trawl vessels fishing in certain areas in southern New England to use selective trawl gear that limit flatfish catch. The southern windowpane AM areas apply to all groundfish trawl vessels. The AM areas also apply to non-groundfish trawl vessels fishing with a codend mesh size of 5 inches (12.7 cm) or greater, which includes vessels that target summer

flounder, scup, black sea bass, and skates. The AMs have been triggered for groundfish vessels in previous years, but this is the first year the AMs have been triggered for both groundfish and non-groundfish trawl vessels. These AMs are estimated to result in $2 million in lost revenue in catch of yellowtail flounder, winter flounder, summer flounder, and scup. The AMs impose a substantial financial hardship on both groundfish and non-groundfish vessels, particularly because the AM areas eliminate access to target species that vessels are unlikely to recoup even if they move to fish in other areas.

In 2015, the New England Fishery Management Council developed Framework Adjustment 52 to the Northeast Multispecies Fishery Management Plan (FMP) to reduce the economic impacts of the windowpane flounder AMs for the groundfish fishery. At the time, the AMs were triggered only for the groundfish fishery. The Council intentionally limited the scope of Framework 52 to the groundfish fishery to ensure the action could be completed, and final measures implemented, in time for the start of the 2015 fishing year. Framework 52 included a provision that gave the Regional Administrator authority to remove the windowpane flounder AM in-season if catch is below the ACL in the year immediately following the overage. Thus, although we implemented an AM in 2017 due to an overage in 2015, we can remove the AM in September if catch did not exceed the ACL in 2016, the intervening year.

Southern windowpane flounder catch data for 2016 recently became available showing total 2016 catch was 82 percent of the total ACL, and catch by non-groundfish vessels was well below the sub-ACL for this fishery component. Following our announcement of the 2015 windowpane flounder overage and resulting 2017 AMs, the New England and Mid-Atlantic Councils both requested that we consider all remediation methods available to remove or modify the southern windowpane flounder AMs for 2017. The Councils highlighted the economic impacts of the AMs, as well as the status of the stock, which is rebuilt with overfishing not occurring. Additionally, possession of southern windowpane flounder has been prohibited for all fisheries since 2010. Given all of these factors, the Councils argued that the AMs are unnecessary and punitive. As a result, consistent with existing regulatory authority, we removed the AMs for the groundfish fishery effective September 1, 2017 (82 FR 35676; August 1, 2017). However, the regulatory authority to remove the southern windowpane flounder AM areas during the fishing year is limited to the groundfish fishery only, and the Regional Administrator currently is not authorized to remove the AM areas for non-groundfish trawl vessels. Without this emergency action, the AMs for non-groundfish vessels would remain in place for the entire 2017 fishing year, through April 30, 2018.

The New England Council, with support from the Mid-Atlantic Council, intends to address the AMs for non-groundfish trawl vessels in Framework 57 to the Northeast Multispecies FMP, which is scheduled to be implemented for the 2018 fishing year. However, neither Council is able to take action in time to address this issue for the 2017 fishing year in order to minimize the adverse economic impact of the 2017 AMs on the non-groundfish fishery.

Justification for Emergency Action

Section 305(c) of the Magnuson-Stevens Act (16 U.S.C. 1855(c)) authorizes the Secretary of Commerce to implement emergency regulations to address fishery emergencies. NMFS policy guidelines for the use of emergency rules define criteria for determining whether an emergency exists under section 305(c) of the Magnuson-Stevens Act (62 FR 44421; August 21, 1997). These criteria limit emergency management actions to ''recent, unforeseen events or recently discovered circumstances'' that present serious management problems in the fishery when emergency regulations would bring immediate benefits that outweigh the value of advance notice and public comment.

Maintaining the AMs on the non-groundfish fishery for the full fishing year would have immediate serious economic impacts without further contributing to the conservation goals of the AMs. Additionally, maintaining the AMs on the non-groundfish fishery presents a fairness and equity issue that was not previously apparent. The 2017 fishing year is the first time that we have been required to implement these AMs for both the groundfish and non-groundfish fisheries. Data supporting this removal only recently became available, and it is the first time that these AMs can be removed from the groundfish fishery but not the non-groundfish fishery. Before this, neither we, nor the Council, could have reasonably considered or foreseen the specific circumstance presented by the current situation, that is, the possibility of the AMs being removed for groundfish vessels but remaining in place for the non-groundfish trawl vessels, despite catch being below the ACL.

AMs are intended to correct operational issues that cause overages and mitigate biological consequences of overages. The fishery's 2016 catch results demonstrate that the fishery appears to have corrected the operational issues that caused the 2015 overage. The windowpane flounder AMs act as a disincentive to exceed an ACL and, if an overage does occur, the possibility of removing that AM during a fishing year is intended to provide an additional incentive to change fishing behavior in the year following an overage. Consistent with this incentive, the fishery's 2016 catch was below the ACL following the 2015 overage despite there being no AM areas in effect in 2016. In addition to the AM measures operating as expected, there were changes in the groundfish and non-groundfish fisheries that contributed to limiting 2016 catch below both the non-groundfish fishery sub-ACL and the total ACL. Catch limits for several Southern New England groundfish stocks and summer flounder were reduced in 2016 relative to 2015, which limited overall fishing effort targeting flatfish stocks in 2016. These catch limit reductions are also in place for the 2017 fishing year, so we expect southern windowpane flounder catch in 2017 to be similar to catch in 2016.

Current stock status and our environmental analyses confirm that the 2015 overage has not resulted in negative biological consequences for southern windowpane flounder. The 2015 assessment update for southern windowpane flounder stock found that the stock is not overfished and that overfishing is not occurring. The stock was declared rebuilt in 2012, and overfishing has not occurred on this stock since 2006. NMFS trawl survey indices indicate that stock size has been relatively stable, has been increasing since hitting a time series low in the mid-1990s, and has increased marginally between 2014 and 2016. This stock history shows that maintaining the AMs is not expected to provide substantial additional mitigation of potential adverse biological impacts.

The analysis in recent Northeast Multispecies FMP actions also shows that removing the AMs for non-groundfish vessels should not result in negative impacts for the southern windowpane flounder stock. Framework 52 addressed the biological impacts of removing the AMs in terms of the overall southern windowpane flounder ACL, and does not differentiate between sub-ACLs for different fisheries, or catch by different gear types. Further,

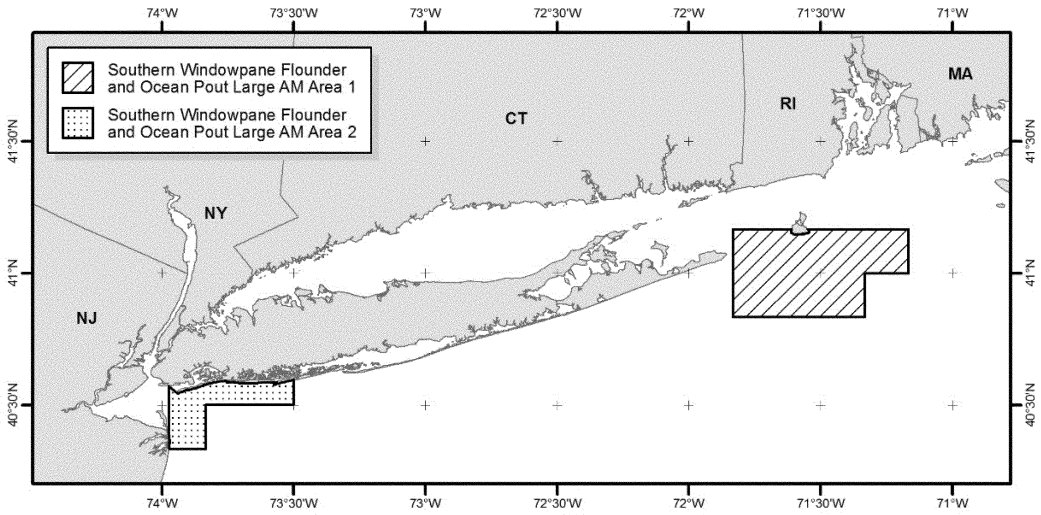
available data suggest that removing the AMs for non-groundfish trawl vessels will not have biological impacts different than those analyzed in Framework 55, which set the total southern windowpane flounder ACL for fishing year 2017. Given the current operation of the groundfish and non-groundfish fisheries, and the status of southern windowpane flounder stock, leaving the AMs in place for non-groundfish vessels is expected to result in serious direct economic loss to vessels targeting summer flounder inside the AM areas without contributing further to the goals of the AMs.

Acting quickly to remove the AMs on the summer flounder is particularly important because a greater portion of the summer flounder fishery catch occurs in the summer months through September. Yet, no additional AM goal is accomplished through maintaining the AMs on that fishery after August 31. We have determined that removing the AMs as soon as practicable after August 31 this fishing year through an emergency action is necessary and outweighs the benefits of using the advance notice and comment procedures. In developing any new measures through Framework 57, the Council process will provide ample opportunity for notice and comment and full participation. Consequently, the opportunity for notice and comment is only delayed. In addition, avoiding the serious economic loss for a reasonably unforeseen event, while acting consistently with the conservation and management goals of the AMs, outweighs the benefit of advance notice and comment.

Emergency Measures

This emergency action extends to non-groundfish vessels the existing provision that already allows us to remove the southern windowpane flounder AM in September for groundfish vessels, if we determine that catch remained below the ACL in the year immediately following an overage. Effective September 1, 2017, this action temporarily removes (for 180 days) the southern windowpane flounder AMs for non-groundfish trawl vessels fishing with a codend mesh size of 5 inches (12.7 cm) or greater. Non-groundfish trawl vessels will be able to fish inside of the large southern windowpane flounder AM areas (Figure 1) without selective gear, which increases fishing opportunities to target other flatfish species for which they hold a permit and for which quota is available.

Figure 1. Southern Windowpane Flounder Accountability Measure Areas



Renewal of Emergency Regulations

The Magnuson-Stevens Act limits NMFS' emergency action authority to an initial period of 180 days, with a potential extension up to an additional 186 days, if warranted. The public has an opportunity to comment on the initial emergency action (see **ADDRESSES**). After considering public comments on this emergency rule, NMFS may extend the emergency regulation for one additional period of not more than 186 days to provide non-groundfish trawl vessels access to the AM areas without the use of selective trawl gear for the remainder of the 2017 fishing year, through April 30, 2018.

Classification

The NMFS Assistant Administrator has determined that this emergency rule is consistent with the criteria and justifications for use of emergency measures in section 305(c) of the Magnuson-Stevens Act, and is consistent with the Northeast Multispecies FMP, other provisions of the Magnuson-Stevens Act, the Administrative Procedure Act (APA), and other applicable law.

Section 553 of the APA establishes procedural requirements applicable to rulemaking by Federal agencies. The purpose of these requirements is to ensure public access to the Federal rulemaking process and to give the public adequate notice and opportunity for comment. Pursuant to 5 U.S.C. 553(b)(B), the Assistant Administrator for Fisheries finds good cause to waive prior notice and the opportunity for public comment because it would be impracticable and contrary to the public interest. Additionally, this rule is excepted from the 30-day delayed effectiveness provision of the APA under 5 U.S.C. 553(d)(1) because it relieves a restriction by removing the southern windowpane flounder AM areas for non-groundfish trawl vessels.

This is the first year the AMs have been triggered for both groundfish and non-groundfish trawl vessels, and it is also the first time we are removing the AMs for groundfish vessels under

existing regulatory authority. Without additional action, the AMs for non-groundfish vessels would remain in place for the entire 2017 fishing year, through April 30, 2018. Maintaining the AMs on the non-groundfish fishery presents fairness, equity, and conservation issues that were not previously apparent, as neither we nor the Council considered or foresaw the possibility of the AMs being removed for groundfish vessels but remaining in place for the non-groundfish trawl vessels, despite total catch being below the ACL. The Council intends to address this issue in Framework 57, which is scheduled for implementation for the 2018 fishing year. However, the Council cannot develop Framework 57 in time to address this issue and/or remove the AMs on the non-groundfish fishery this fishing year.

Maintaining the AMs on the non-groundfish fishery for the full fishing year would have immediate serious economic impacts without contributing further to the conservation goals of the AMs. If the AM areas are in place for the full fishing year, they are estimated to result in $2 million in lost revenue in catch of yellowtail flounder, winter flounder, summer flounder, and scup. The AM areas do not prohibit all fishing with bottom-tending trawls, but require the use of trawl gear designed to minimize flatfish catch, which eliminates access to target species that vessels cannot recoup even if fishing in other areas. Removing the AMs this fishing year through an emergency action mitigates serious economic harm to the non-groundfish fishery while the Council develops permanent FMP measures.

For all of the reasons outlined above, NMFS finds it impracticable and contrary to the public interest to provide prior opportunity to comment on these emergency measures. Because this rule alleviates a restriction, which if continued would otherwise have serious and unnecessary economic harm on non-groundfish trawl vessels, it is not subject to the 30-day delayed effectiveness provision of the APA. Prior notice and opportunity for public comment and/or a 30-day delayed effectiveness would prevent the positive benefits that this rule is intended to provide, particularly because the fisheries most affected by the AM areas are most active in the summer months through September.

This action is being taken pursuant to the emergency provision of the Magnuson-Stevens Act and is exempt from OMB review.

This emergency rule does not contain policies with Federalism or ''takings'' implications as those terms are defined in E.O. 13132 and E.O. 12630, respectively.

This emergency rule is exempt from the procedures of the Regulatory Flexibility Act because the rule is issued without opportunity for prior notice and opportunity for public comment.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: August 28, 2017.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.90, add paragraph (a)(5)(i)(D)(*1*)(*iii*) effective September 1, 2017 through February 28. 2018.

The addition reads as follows:

§ 648.90 NE multispecies assessment, framework procedures and specifications, and flexible area action system.

(a) * * *

(5) * * *

(i) * * *

(D) * * *

(*1*) * * *

(*iii*) *Emergency rule reducing the duration of southern windowpane flounder AM for non-groundfish vessels.* Effective September 1, 2017 through February 28. 2018, the southern windowpane flounder AM is removed for all vessels fishing with trawl gear with a codend mesh size equal to or greater than 5 inches (12.7 cm) in other, non-specified sub-components of the fishery, including, but not limited to, exempted fisheries that occur in Federal waters and fisheries harvesting exempted species specified in § 648.80(b)(3).

* * * * *

[FR Doc. 2017–18495 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 160920866–7167–02]

RIN 0648–XF647

Fisheries of the Exclusive Economic Zone Off Alaska; Inseason Adjustment to the 2017 Gulf of Alaska Pollock Seasonal Apportionments

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

ACTION: Temporary rule; inseason adjustment.

SUMMARY: NMFS is adjusting the 2017 C seasonal apportionments of the total allowable catch (TAC) for pollock in the Gulf of Alaska (GOA) by re-apportioning unharvested pollock TAC in Statistical Areas 610, 620, and 630 of the GOA. This action is necessary to provide opportunity for harvest of the 2017 pollock TAC, consistent with the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), August 29, 2017, until 2400 hours A.l.t., December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

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

The annual pollock TACs in Statistical Areas 610, 620, and 630 of the GOA are apportioned among four seasons, in accordance with § 679.23(d)(2). Regulations at § 679.20(a)(5)(iv)(B) allow the underharvest of a seasonal apportionment to be added to subsequent seasonal apportionments, provided that any revised seasonal apportionment does not exceed 20 percent of the seasonal apportionment for a given statistical area. Therefore, NMFS is increasing the C season apportionment of pollock in Statistical Areas 610, 620, and 630 of the GOA to

reflect the underharvest of pollock in those areas during the B season. In addition, any underharvest remaining beyond 20 percent of the originally specified seasonal apportionment in a particular area may be further apportioned to other statistical areas. Therefore, NMFS also is increasing the C season apportionment of pollock to Statistical Areas 610 and 630 based on the underharvest of pollock in Statistical Areas 620 of the GOA. These adjustments are described below.

The C seasonal apportionment of the 2017 pollock TAC in Statistical Area 610 of the GOA is 19,569 metric tons (mt) as established by the final 2017 and 2018 harvest specifications for groundfish of the GOA (82 FR 12032; February 27, 2017). In accordance with § 679.20(a)(5)(iv)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), hereby increases the C season apportionment for Statistical Area 610 by 3,914 mt to account for the underharvest of the TAC in Statistical Areas 610 and 620 in the B season. This increase is in proportion to the estimated pollock biomass and is not greater than 20 percent of the C seasonal apportionment of the TAC in Statistical Area 610. Therefore, the revised C seasonal apportionment of the pollock TAC in Statistical Area 610 is 23,483 mt (19,569 mt plus 3,914 mt).

The C seasonal apportionment of the pollock TAC in Statistical Area 620 of the GOA is 12,341 mt as established by the final 2017 and 2018 harvest specifications for groundfish of the GOA (82 FR 12032, February 27, 2017). In accordance with § 679.20(a)(5)(iv)(B), the Regional Administrator hereby increases the C seasonal apportionment for Statistical Area 620 by 2,468 mt to account for the underharvest of the TAC in Statistical Areas 620 in the B season. This increase is not greater than 20 percent of the C seasonal apportionment of the TAC in Statistical Area 620. Therefore, the revised C seasonal apportionment of the pollock TAC in Statistical Area 620 is 14,809 mt (12,341 mt plus 2,468 mt).

The C seasonal apportionment of pollock TAC in Statistical Area 630 of the GOA is 15,886 mt as established by the final 2017 and 2018 harvest specifications for groundfish of the GOA (82 FR 12032, February 27, 2017). In accordance with § 679.20(a)(5)(iv)(B), the Regional Administrator hereby increases the C seasonal apportionment for Statistical Area 630 by 3,177 mt to account for the underharvest of the TAC in Statistical Areas 620 and 630 in the B season. This increase is in proportion to the estimated pollock biomass and is not greater than 20 percent of the C seasonal apportionment of the TAC in Statistical Area 630. Therefore, the revised C seasonal apportionment of pollock TAC in Statistical Area 630 is 19,063 mt (15,886 mt plus 3,177 mt).

Classification

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

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

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

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

Dated: August 29, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–18575 Filed 8–29–17; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 160920866–7167–02]

RIN 0648–XF671

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting retention of the incidental catch allowance for Pacific ocean perch in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary because the 2017 total allowable catch of Pacific ocean perch apportioned to the incidental catch allowance in the Central Regulatory Area of the GOA has been reached.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), August 29, 2017, through 2400 hours, A.l.t., December 31, 2017.

FOR FURTHER INFORMATION CONTACT: Josh Keaton, 907–586–7228.

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

The 2017 total allowable catch (TAC) of Pacific ocean perch apportioned to the incidental catch allowance in the Central Regulatory Area of the GOA is 2,000 metric tons (mt) as established by the final 2017 and 2018 harvest specifications for groundfish of the GOA (82 FR 12032, February 27, 2017).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2017 TAC of Pacific ocean perch apportioned to the incidental catch allowance in the Central Regulatory Area of the GOA has been reached. Therefore, NMFS is requiring that catches of the incidental catch allowance for Pacific ocean perch in the Central Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b). This closure does not apply to fishing by vessels participating in the cooperative fishery of the Rockfish Program for the Central GOA.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public

interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay prohibiting retention of the incidental catch allowance for Pacific ocean perch in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of August 22, 2017.

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

This action is required by § 679.20 and § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: August 29, 2017.

Alan D. Risenhoover,

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

[FR Doc. 2017–18607 Filed 8–29–17; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 82, No. 169
Friday, September 1, 2017

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

DEPARTMENT OF ENERGY

10 CFR Part 590

[FE Docket No. 17–86–R]

RIN 1901–AB43

Small-Scale Natural Gas Exports

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE or Department) proposes to revise its regulations to provide that DOE will issue an export authorization upon receipt of any complete application that seeks to export natural gas, including liquefied natural gas (LNG), to countries with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas and with which trade is not prohibited by U.S. law or policy (non-FTA countries), provided that the application satisfies the following two criteria: The application proposes to export natural gas in a volume up to and including 0.14 billion cubic feet (Bcf) per day (Bcf/d), and DOE's approval of the application does not require an environmental impact statement (EIS) or an environmental assessment (EA) under the National Environmental Policy Act of 1969 (NEPA). In proposing this revision, DOE is interpreting the phrase ''public interest'' set forth in the Natural Gas Act (NGA). DOE proposes that applications that satisfy these criteria are requesting authorization for ''small-scale natural gas exports'' and, as such, the exports are deemed to be consistent with the public interest under the NGA. DOE's regulations regarding notice of applications and procedures conducted on applications would no longer apply to applications that satisfy these criteria. The proposed regulation is intended to expedite DOE's processing of these applications, thereby reducing administrative burdens for the small-scale natural gas export market.

DATES: Public comment on this proposed rule will be accepted until October 16, 2017.

ADDRESSES: You may submit comments identified by Regulation Identifier Number (RIN) 1901–AB43 and FE Docket No. 17–86–R. Use any of the following methods, although the eRulemaking Portal is preferred:

1. *Federal eRulemaking Portal* (the preferred method): Follow the instructions for submitting comments on the Federal eRulemaking Portal at *http://www.regulations.gov*.

2. *Email:* Send email to *fergas@hq.doe.gov*. Include RIN 1901–AB43 and FE Docket No. 17–86–R in the subject line of the email. Please include the full body of your comments in the text of the message or as an attachment.

3. *Regular Mail:* U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026–4375.

4. *Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.):* U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585. Telephone: 202–586–9478.

Due to potential delays in the delivery of postal mail, we encourage respondents to submit comments electronically to ensure timely receipt. **Please Note:** If submitting a filing via email, please include all related documents and attachments (*e.g.,* exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

Docket: This notice of proposed rulemaking and any comments that DOE receives will be made available on the Federal eRulemaking Portal at *http://www.regulations.gov,* and also on DOE's Web site at: *https://www.energy.gov/fe/services/natural-gas-regulation*.

FOR FURTHER INFORMATION CONTACT: Amy Sweeney, U.S. Department of Energy (FE–34), Office of Regulation and International Engagement, Office of Fossil Energy Forrestal Building, Room 3E–042, 1000 Independence Avenue SW., Washington, DC 20585; (202) 586–2627; or Cassandra Bernstein or Ronald (R.J.) Colwell, U.S. Department of Energy (GC–76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, Room 6D–033, 1000 Independence Ave. SW., Washington, DC 20585; (202) 586–9793 or (202) 586–8499.

SUPPLEMENTARY INFORMATION:

I. Background
A. Statutory Background
B. DOE's Public Interest Analysis
C. DOE's Non-FTA Export Authorization Orders Since 2012
II. Discussion of Proposed Rule
A. Summary of and Reasons for Proposed Rule
B. Consistency With Section 3 of the Natural Gas Act
C. Consistency With the Public Interest
D. Consistency With Free Market Principles
III. Regulatory Review
A. Executive Orders 12866 and 13563
B. National Environmental Policy Act
C. Regulatory Flexibility Act
D. Paperwork Reduction Act
E. Unfunded Mandates Reform Act of 1995
F. Treasury and General Government Appropriations Act, 1999
G. Executive Order 13132
H. Executive Order 12988
I. Treasury and General Government Appropriations Act, 2001
J. Executive Order 13211
IV. Approval of the Office of the Secretary

I. Background

A. Statutory Background

The Department of Energy is responsible for authorizing exports of natural gas to foreign nations pursuant to section 3 of the NGA, 15 U.S.C. 717b. For applications to export natural gas to non-FTA countries under NGA section 3(a), 15 U.S.C. 717b(a),[1] DOE has consistently interpreted section 3 of the NGA as creating a rebuttable presumption that a proposed export of natural gas is in the public interest. Accordingly, DOE conducts an informal adjudication and grants the application unless DOE finds that the proposed exportation will not be consistent with

[1] This notice of proposed rulemaking does not apply to exports to FTA countries under section 3(c) of the NGA, 15 U.S.C. 717b(c).

the public interest.[2] Before reaching a final decision on any non-FTA application, DOE must also comply with NEPA, 42 U.S.C. 4321 *et seq.*

Typically, the federal agency responsible for permitting the export facility serves as the lead agency in the NEPA review process, and DOE serves as a cooperating agency within the meaning of the Council on Environmental Quality's (CEQ) regulations, 40 CFR 1501.4, 1501.5. For LNG terminals located onshore or in state waters, the agency responsible for permitting the export facilities is the Federal Energy Regulatory Commission (FERC) pursuant to authority delegated by DOE under section 3(e) of the Natural Gas Act, 15 U.S.C. 717b(e). For LNG terminals located offshore beyond state waters, the responsible agency is the Maritime Administration (MARAD) within the Department of Transportation pursuant to section 3(9) of the Deepwater Ports Act, as amended by section 312 of the Coast Guard and Maritime Transportation Act of 2012 (Pub. L. 112–213).

DOE's environmental review process under NEPA usually results in the preparation or adoption of an EIS or EA describing the potential environmental impacts associated with the application. In some cases, DOE may determine that an application is eligible for a categorical exclusion from the preparation or adoption of an EIS or EA pursuant to DOE's regulations implementing NEPA, 10 CFR 1021.410, appendices A & B. For example, categorical exclusion B5.7 of DOE's regulations (10 CFR part 1021, subpart D, appendix B5.7) applies to natural gas import or export activities requiring minor operational changes to existing projects, but no new construction.

B. DOE's Public Interest Analysis Under Section 3(a) of the Natural Gas Act

Although NGA section 3(a) establishes a broad public interest standard and a presumption favoring export authorizations, the statute does not define ''public interest'' or identify criteria that must be considered in evaluating the public interest. In prior decisions, DOE has identified a range of factors that it evaluates when reviewing an application for export authorization. These factors include economic impacts, international impacts, security of natural gas supply, and environmental impacts, among others. To conduct this review, DOE looks to record evidence developed in the application proceeding.[3]

DOE's prior decisions have also looked to certain principles established in its 1984 Policy Guidelines.[4] The goals of the Policy Guidelines are to minimize federal control and involvement in energy markets and to promote a balanced and mixed energy resource system. The Guidelines provide that:

> The market, not government, should determine the price and other contract terms of imported [or exported] natural gas. . . . The federal government's primary responsibility in authorizing imports [or exports] will be to evaluate the need for the gas and whether the import [or export] arrangement will provide the gas on a competitively priced basis for the duration of the contract while minimizing regulatory impediments to a freely operating market.[5]

While the Policy Guidelines are nominally applicable to natural gas import cases, DOE subsequently held in Order No. 1473 that the same Policy Guidelines should be applied to natural gas export applications.[6]

In Order No. 1473, DOE stated that it was further guided by DOE Delegation Order No. 0204–111. That delegation order, which authorized the Administrator of the Economic Regulatory Administration to exercise the agency's review authority under NGA section 3, directed the Administrator to regulate exports ''based on a consideration of the domestic need for the gas to be exported and such other matters as the Administrator finds in the circumstances of a particular case to be appropriate.'' [7] (In February 1989, the Assistant Secretary for Fossil Energy assumed the delegated responsibilities of the Administrator of ERA.[8])

Although DOE Delegation Order No. 0204–111 is no longer in effect, DOE's review of export applications has continued to focus on: (i) The domestic need for the natural gas proposed to be exported, (ii) whether the proposed exports pose a threat to the security of domestic natural gas supplies, (iii) whether the arrangement is consistent with DOE's policy of promoting market competition, and (iv) any other factors bearing on the public interest, as determined by DOE.

Additionally, since 2011, DOE has commissioned several studies to evaluate the reasonably foreseeable economic and environmental impacts of natural gas exports, and to respond to concerns about exports submitted to DOE in various proceedings. These studies include: *Effect of Increased Natural Gas Exports on Domestic Energy Markets* (2012 EIA [9] Study) and *Macroeconomic Impacts of LNG Exports from the United States* (NERA Study) (collectively, 2012 LNG Export Study); [10] *Effect of Increased Levels of Liquefied Natural Gas Exports on U.S. Energy Markets* (2014 EIA LNG Export Study); [11] *The Macroeconomic Impact of Increasing U.S. LNG Exports* (2015 LNG Export Study); [12] the *Addendum to Environmental Review Documents Concerning Exports of Natural Gas from the United States* (Addendum); [13] and the *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States* (LCA GHG Report).[14] DOE published these studies in the **Federal Register** and has responded to the public comments received on each study.[15]

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[2] 15 U.S.C. 717b(a); *see, e.g., Golden Pass Products LLC,* DOE/FE Order No. 3978, FE Docket No. 12–156–LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Golden Pass LNG Terminal Located in Jefferson County, Texas, to Non-Free Trade Agreement Nations, at 18, 162 (Apr. 25, 2017).

[3] *See, e.g., Golden Pass Products,* DOE/FE Order No. 3978, at 135–66.

[4] New Policy Guidelines and Delegations Order Relating to Regulation of Imported Natural Gas, 49 FR 6684 (Feb. 22, 1984) [hereinafter 1984 Policy Guidelines].

[5] *Id.* at 6685.

[6] *Phillips Alaska Natural Gas,* DOE/FE Order No. 1473, at 14 (citing *Yukon Pacific Corp.,* DOE/FE Order No. 350, Order Granting Authorization to Export Liquefied Natural Gas from Alaska, 1 FE ¶ 70,259, at 71,128 (1989)).

[7] DOE Delegation Order No. 0204–111, at 1; *see also* 1984 Policy Guidelines, 49 FR at 6690.

[8] *See* Applications for Authorization to Construct, Operate, or Modify Facilities Used for the Export or Import of Natural Gas, 62 FR 30,435, 30,437 n.15 (June 4, 1997) (citing DOE Delegation Order No. 0204–127, 54 FR 11,436 (Mar. 20, 1989)).

[9] ''EIA'' refers to the U.S. Energy Information Administration.

[10] *See* 2012 LNG Export Study, 77 FR 73,627 (Dec. 11, 2012), *available at: http://energy.gov/sites/prod/files/2013/04/f0/fr_notice_two_part_study.pdf.*

[11] U.S. Energy Info. Admin., *Effect of Increased Levels of Liquefied Natural Gas Exports on U.S. Energy Markets* (Oct. 2014), *available at: https://www.eia.gov/analysis/requests/fe/pdf/lng.pdf.*

[12] Center for Energy Studies at Rice University Baker Institute and Oxford Economics, *The Macroeconomic Impact of Increasing U.S. LNG Exports* (Oct. 29, 2015), *available at: http://energy.gov/sites/prod/files/2015/12/f27/20151113_macro_impact_of_lng_exports_0.pdf.*

[13] Dep't of Energy, Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States, 79 FR 48,132 (Aug. 15, 2014), *available at: http://energy.gov/fe/addendum-environmental-review-documents-concerning-exports-natural-gas-united-states.*

[14] Dep't of Energy, Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States, 79 FR 32,260 (June 4, 2014). DOE/FE announced the availability of the LCA GHG Report on its Web site on May 29, 2014.

[15] *See, e.g. Cheniere Marketing, LLC and Corpus Christi Liquefaction, LLC,* DOE/FE Order No. 3638, FE Docket No. 12–97–LNG, Final Order and Opinion Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Proposed Corpus Christi Liquefaction Project to Be Located in Corpus Christi, Texas, to Non-Free Trade Agreement Nations, at 94–148, 167–83 (May 12, 2015); *Golden Pass Products,* DOE/FE Order No. 3978, at 71–92.

The 2012 EIA Study generally found that natural gas exports will lead to higher domestic natural gas prices, increased domestic natural gas production, reduced domestic natural gas consumption, and increased natural gas imports from Canada via pipeline. Among the key findings of the NERA Study (the second part of the 2012 LNG Export Study), NERA projected that the United States would gain net economic benefits from allowing LNG exports. For every market scenario examined, the NERA Study determined that economic benefits increased as the level of natural gas exports increased.

The 2014 EIA LNG Export Study found that natural gas exports will generally lead to relatively modest domestic natural gas price increases, increased domestic natural gas production, reduced domestic natural gas consumption, and higher levels of economic output (as measured by real gross domestic product).

The 2015 LNG Export Study considered export volumes ranging from 12 to 20 Bcf/d of natural gas, as well as a high resource recovery case examining export volumes up to 28 Bcf/d of natural gas. The analysis covered the 2015 to 2040 time period. The 2015 Study made the following key findings:

- Rising natural gas exports are associated with a net increase in domestic natural gas production;
- As exports increase, the spread between U.S. domestic prices and international benchmarks narrows;
- The overall macroeconomic impacts of higher natural gas exports are marginally positive—a result that is robust to alternative assumptions for the U.S. natural gas market;
- An increase in U.S. natural gas exports will generate small declines in output at the margin for some energy-intensive, trade-exposed industries; and
- Negative impacts in energy-intensive sectors are offset by positive impacts elsewhere.

The Addendum evaluated environmental impacts including water resources, air quality, greenhouse gas emissions, induced seismicity, and land use impacts. The DOE Addendum concluded that DOE cannot meaningfully estimate where, when, or by what particular method additional natural gas would be produced in response to non-FTA export demand.

Finally, although not directly relevant to this proposed rule,[16] the LCA GHG Report reached conclusions regarding the use of U.S. natural gas exports to produce electricity in European and Asian markets, as well as the life cycle greenhouse gas emissions of exported U.S. natural gas as compared to other sources of natural gas in those markets.

C. DOE's Non-FTA Export Authorizations Since 2012

To date, DOE has issued 28 final export authorizations to non-FTA countries, bringing the cumulative total of approved non-FTA exports of LNG and compressed natural gas (CNG) to 21.33 Bcf/d of natural gas, or 7.79 trillion cubic feet per year.[17] These non-FTA authorizations are available online at the DOE/FE E-Docket Room.[18]

Of these 28 non-FTA authorizations, seven authorize exports in volumes below 0.14 Bcf/d of natural gas—the volume limitation set forth in the criteria for this proposed rulemaking. These seven authorizations include: Carib Energy (USA) LLC (0.04 Bcf/d), American Marketing LLC (0.008 Bcf/d), Emera CNG, LLC (0.008 Bcf/d), Floridian Natural Gas Storage Company, LLC (0.04 Bcf/d), Air Flow North American Corp. (0.002 Bcf/d), Flint Hills Resources, LP (0.01 Bcf/d), and Carib Energy (USA), LLC (0.004).[19] Together, these authorizations approve exports of LNG and CNG in a combined volume of 0.112 Bcf/d—less than 0.6% of the cumulative volume of non-FTA exports approved by DOE to date.

In each of the 28 non-FTA export authorizations issued to date, and on the basis of the record evidence presented in those proceedings, DOE has reached the following conclusions as part of its public interest determination for each application:

- Substantial domestic natural gas supplies exist to meet domestic natural gas demand and increased natural gas exports;
- While increased natural gas exports will result in higher U.S. natural gas prices, these price changes remain in a relatively narrow range across the scenarios studied and the domestic natural gas market is capable of accommodating increased natural gas exports without significant negative price or other economic impacts;
- Even with these estimated price increases, increased natural gas exports are likely to generate net economic benefits for the United States;
- Increased natural gas exports stimulate local, regional, and national economies through direct and indirect job creation, increased economic activity, and tax revenues; and
- Increased natural gas exports increase diversity of supply in the global natural gas market, in turn benefiting international trade and relations as well as global energy security.

DOE also has observed that it is far from certain that all or even most of the proposed natural gas export projects will be realized because of the time, difficulty, and expense of commercializing, financing, and constructing such projects, as well as the uncertainties inherent in the global market demand for natural gas.[20]

II. Discussion of Proposed Rule

A. Summary of and Reasons for Proposed Rule

The emerging small-scale export market involves exports of small volumes of natural gas from the United States to countries primarily in, but not limited to, the Caribbean, Central America, and South America. Many of these countries do not generate enough natural gas demand to support the economies of scale required to justify large volumes of LNG imports from large-scale LNG terminals via conventional LNG tankers. The small-scale natural gas export market has developed as a solution to the practical and economic constraints limiting natural gas exports to these countries.

DOE is proposing to revise its regulations to expedite the application and approval process for small-scale exports of natural gas. Specifically, the proposed rule provides that DOE, upon receipt of any complete application to export natural gas (including LNG) to non-FTA countries, will grant the application provided that it satisfies the following two criteria: (1) The application proposes to export natural gas in a volume up to and including

[16] DOE considers the LCA GHG Report in non-FTA export proceedings whenever an application seeks to transport LNG by LNG tanker from large-scale liquefaction facilities to non-FTA countries. By contrast, small-scale exports of natural gas (including LNG) typically are transported shorter distances using other transportation methods, such as ISO containers loaded onto container ships. DOE therefore does not consider the LCA GHG Report as part of the record in those proceedings. *See infra* (identifying seven non-FTA export authorizations for which the LCA GHG Report was not considered in the application proceeding, and discussing transportation of small-scale exports).

[17] *See Lake Charles LNG Export Co., LLC,* DOE/FE Order No. 4010, FE Docket No. 16–109–LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Lake Charles Terminal in Calcasieu Parish, Louisiana, to Non-Free Trade Agreement Nations, at 43–46 (June 29, 2017).

[18] Dep't of Energy, Office of Fossil Energy, *Electronic Docket Room (E-Docket Room), https://www.energy.gov/fe/downloads/electronic-docket-room-e-docket-room.*

[19] *See Lake Charles LNG Export Co.,* DOE/FE Order No. 4010, at 43–46 (citing these authorizations).

[20] *See, e.g., Golden Pass Products,* DOE/FE Order No. 3978, at Section XII and 161.

0.14 Bcf/d; and (2) DOE's approval of the application does not require an EIS or EA under NEPA—that is, the application is eligible for a categorical exclusion under DOE's NEPA regulations.

For each small-scale application submitted to DOE, DOE will first determine if the application is complete under DOE's regulations. If the application is complete, DOE will post the application on DOE's Web site, consistent with DOE practice. Next, DOE will determine if the application meets the criteria for a small-scale natural gas export. If the application meets the criteria, DOE will issue a non-FTA authorization granting the application on an expedited basis, without providing notice of application and other procedures typically required for non-FTA export applications under DOE's regulations, 10 CFR 590.205 and 10 CFR part 590, subpart C (10 CFR 590.303–10 CFR 590.317). All small-scale natural gas export authorizations issued pursuant to these regulations will be posted on DOE's Web site, and will contain appropriate terms and conditions consistent with DOE's regulations and practice.

DOE notes that entities involved in this emerging market typically define ''small-scale'' natural gas exports as exports of 1.0 million metric tons per annum (mtpa) or lower.[21] When converting from million metric tons to billion cubic feet, DOE uses a conversion factor of 51.75 Bcf per million metric tons of dry natural gas.[22] Based on this conversion factor, 1 million metric tons per annum equates to approximately 0.14 Bcf/d of natural gas. Consequently, as the first criterion for the proposed rule, DOE proposes to define small-scale natural gas exports as any export of natural gas up to and including a volume of 0.14 Bcf/d. DOE believes this volume limitation is consistent with industry practice, but invites comment on any other appropriate small-scale volume limitation.

As the second criterion for this proposed rule, DOE must determine that its approval of the application does not require an EIS or an EA under NEPA, because it qualifies for a categorical exclusion. For example, pursuant to DOE's categorical exclusion B5.7, a small-scale natural gas export that involves only existing facilities and/or minor operational changes is an action that does not involve new construction.

Any application that satisfies these two criteria would qualify as a ''small-scale natural gas export'' as that term is defined under this proposed rule, and would be deemed to be consistent with the public interest under NGA section 3(a). As noted above, DOE's regulations regarding notice of applications, 10 CFR 590.205, and procedures applicable to application proceedings, 10 CFR 590 subpart C (10 CFR 590.301 to 10 CFR 590.317), would not apply to applications that satisfy these criteria. Rather, this proposed rule, and the 45-day comment period for this proposed rule, would constitute the notice and opportunity for hearing on all prospective small-scale natural gas export applications.

This proposed rule is limited to qualifying small-scale exports of natural gas. If adopted, this proposed rule would not affect either existing DOE authorizations or DOE's evaluation of any non-FTA application that does not meet the criteria for small-scale natural gas exports. In expediting the application and approval process for these exports, DOE recognizes the unique characteristics and minimal adverse impacts of the small-scale natural gas market emerging primarily in the United States, the Caribbean, Central America, and South America. As discussed below, the proposed rule is in accordance with section 3 of the NGA, DOE's interpretation of the public interest standard set forth in NGA section 3(a), and DOE's long-standing policy of minimizing federal control and involvement in energy markets and promoting a balanced and mixed energy resource system.

B. Consistency With Section 3(a) of the Natural Gas Act

Under section 3(a) of the NGA, the Secretary of Energy is required to issue an order upon application unless, after opportunity for hearing, DOE finds that the proposed export ''will not be consistent with the public interest.'' [23] DOE has long interpreted section 3(a) as creating a rebuttable presumption that a proposed export of natural gas is in the public interest, such that DOE must grant an application under section 3(a) unless opponents of the application overcome that presumption by making an affirmative showing of inconsistency with the public interest.[24] The statute, however, does not define ''public interest'' or identify criteria that DOE must consider when determining whether a proposed export of natural gas is consistent with the public interest under section 3(a). The statute affords DOE broad discretion in determining whether proposed exports to non-FTA countries are ''consistent with the public interest'' (15 U.S.C. 717b(a)). In this proposed rule, DOE is interpreting NGA section 3(a) to determine that small-scale natural gas exports are consistent with the public interest after considering all relevant factors, including the domestic need for the small volumes of natural gas to be exported and the security of domestic natural gas supplies.

C. Consistency With the Public Interest

In determining that small-scale natural gas exports are consistent with the public interest, DOE has considered the economic studies and the Addendum discussed in Section I.B, as well as the public comments received on these studies. DOE has also considered the 28 final non-FTA export authorizations issued to date, including the seven non-FTA authorizations approving exports at volumes below 0.14 Bcf/d of natural gas (identified in section I.C), as well as the most recent authoritative projections for natural gas supply, demand, and prices set forth in the *Annual Energy Outlook* 2017 (AEO 2017).[25] Based on this evidence, and for the reasons described in Section II.A, DOE has determined that small-scale natural gas exports are consistent with the public interest under NGA section 3(a).

In reaching this conclusion, DOE has considered the economic impacts of higher natural gas prices and potential increases in natural gas price volatility and, as noted earlier, has reviewed the economic impacts of natural gas exports. Recent advancements in natural

[21] *See, e.g.,* Int'l Gas Union, IGU World Gas LNG Report 59 (2016 ed.), *available at: www.igu.org/download/file/fid/2123* (''IGU defines the large-scale LNG industry as every LNG business above 1 million MTPA of LNG production and/or consumption. Conversely, small-scale LNG is any business under 1 million MTPA.''); Int'l Gas Union, Small Scale LNG 11 (June 2015), *available at: http://www.igu.org/sites/default/files/node-page-field_file/SmallScaleLNG.pdf* (''For the purpose of this report, the [small-scale LNG] production installed capacity has been defined as below 1 million metric tons per annum (mtpa).''); Cédric Andrieu, Gas Tech. Inst., Et Al., Small Scale LNG Import Terminal: Not As Simple As A Reduced One 2, 4 (Conference Paper, LNG 17 International Conference & Exhibition on Liquefied Natural Gas, 2013), *available at: http://www.gastechnology.org/Training/Documents/LNG17-proceedings/Storage-6-Cedric_Andrieu.pdf* (''Typically, the send-out rate of . . . small LNG terminals is ranging from 0.2 to 1 mtpa.'').

[22] *See, e.g., Southern LNG Company, L.L.C.,* DOE/FE Order No. 3956, FE Docket No. 12–100–LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from the Elba Island Terminal in Chatham County, Georgia, to Non-Free Trade Agreement Nations (Dec. 16, 2016), at Ordering Para. H.

[23] 15 U.S.C. 717b(a).

[24] *See id.; see, e.g., Golden Pass Products,* DOE/FE Order No. 3978, at 18, 162.

[25] U.S. Energy Information Administration, *Annual Energy Outlook* 2017 (Jan. 2017), *available at: http://www.eia.gov/outlooks/aeo.*

gas exploration and production technology have changed the outlook for the U.S. natural gas market, such that the increase in domestic supplies of natural gas will outpace increases in domestic demand.

The 2015 Study considered export volumes ranging from 12 to 20 Bcf/d of natural gas, as well as a high resource recovery case examining export volumes up to 28 Bcf/d of natural gas. By comparison, to date DOE has issued final non-FTA authorizations in a cumulative volume of exports totaling 21.33 Bcf/d of natural gas—well below the 28 Bcf/d case considered in the 2015 Study. As DOE has explained in recent orders,[26] the authors of the 2015 Study had to include several unlikely assumptions about the global natural gas market for U.S. LNG exports to exceed *12 Bcf/d,* much less to reach the high resource recovery case of 28 Bcf/d of exports. Based on this evidence and the small volumes at issue in this proposed rule, DOE believes that domestic supplies will be adequate both to meet domestic needs and to supply small-scale exports of natural gas.

DOE finds that small-scale natural gas exports meeting the criteria set forth in this proposed rulemaking will not interfere with the domestic need for natural gas. Likewise, small-scale exports will not have a detectable impact on domestic natural gas prices, and will not pose a risk to the security of domestic natural gas supplies. While small-scale natural gas exports are unlikely to generate negative economic or supply impacts in the United States, these exports are expected to have positive impacts. Specifically, small-scale natural gas exports are expected to generate positive economic benefits in the United States through direct and indirect job creation, increased economic activity, tax revenues, and improved U.S. balance of trade.

To countries that do not otherwise have access to natural gas, small-scale natural gas exports represent an important change in their ability to generate electricity. Small-scale exports also will enable electric generation facilities in the importing countries to switch from heavy fuel oil and diesel to natural gas, providing positive environmental benefits through the reduction of emissions at fuel oil and diesel burning electric generators. The availability of a reliable supply of natural gas to customers outside of the United States who are currently burning diesel or fuel oil for power generation may encourage conversion to natural gas-based power generation equipment. Companies in the United States would be well positioned to provide and support this type of power generation equipment, thus providing secondary economic benefits from the small-scale exports.

Additionally, small-scale natural gas exports will enable importing countries to diversify their fuel supplies, while contributing to greater overall transparency, efficiency, and liquidity of natural gas markets outside the United States. To the extent small-scale natural gas exports will diversify global natural gas supplies, and increase the volumes of natural gas available globally, small-scale natural exports will improve energy security for many U.S. allies and trading partners. As such, the proposed rule will advance the public interest by fostering international relations, trade, and security.

D. Consistency With Free Market Principles

DOE has consistently subscribed to the principles set forth in the 1984 Policy Guidelines that the market, not the government, is the most efficient means of allocating natural gas supplies. The United States has an abundant supply of affordable natural gas that studies have shown will significantly exceed domestic demand. Meanwhile, foreign demand for natural gas imports from the United States has increased as many countries, such as those in the Caribbean, Central America, and South America, seek to import cleaner sources of energy.

The conventional, large-scale natural gas import/export market is extremely capital-intensive. Companies must achieve sufficient economies of scale to justify their multi-billion dollar investments in large-scale LNG terminals and in large-volume LNG tanker fleets. However, many of the countries in the Caribbean, Central America, and South America simply do not generate enough demand to import the large volumes of natural gas supplied by the large-scale natural gas import/export market. Given these diseconomies of scale, a gap has emerged in the regional natural gas import/export market. Small-scale natural gas exports represent a market-driven response to fill this gap. In contrast to large-scale natural gas exports, small-scale natural gas exports typically originate from existing facilities in the United States, are transported shorter distances, and rely on a variety of transportation modes (such as ISO containers loaded onto container ships and barges). DOE believes that facilitating small-scale natural gas exports will allow for greater diversity and competition in the natural gas market.

III. Regulatory Review

A. Executive Orders 12866 and 13563

This regulatory action has been determined to not be a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51735 (October 4, 1993). Accordingly, this action was not subject to review under that Executive Order by the Office of Information and Regulatory Affairs of the Office of Management and Budget.

DOE has also reviewed this regulation pursuant to Executive Order 13563, issued on January 18, 2011. (76 FR 3281, Jan. 21, 2011.) EO 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE concludes that this proposed rule is consistent with these principles. Specifically, this proposed rule provides that DOE will issue an export authorization upon receipt of any complete application that seeks to export natural gas, including LNG, to non-FTA countries, provided that the

[26] *See, e.g., Delfin LNG LLC,* DOE/FE Order No. 4028, FE Docket No. 13–147–LNG, Opinion and Order Granting Long-Term, Multi-Contract Authorization to Export Liquefied Natural Gas by Vessel from a Proposed Floating Liquefaction Project and Deepwater Port 30 Miles Offshore of Louisiana to Non-Free Trade Agreement Nations, at 62–63 (June 1, 2017).

application satisfies the following two criteria: (1) The application proposes to export natural gas in a volume up to and including 0.14 Bcf/d, and (2) DOE's approval of the application does not require an EIS or EA under NEPA. DOE's regulations regarding notice of applications, 10 CFR 590.205, and procedures applicable to application proceedings, 10 CFR part 590, subpart C (10 CFR 590.303 to 10 CFR 590.317), would not apply to small-scale natural gas exports. The proposed regulation is intended to expedite DOE's processing of these applications, thereby reducing administrative burdens for the small-scale natural gas export market.

B. Executive Orders 13771, 13777, and 13783

On January 30, 2017, the President issued Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs.'' That Order stated the policy of the executive branch is to be prudent and financially responsible in the expenditure of funds, from both public and private sources. The Order stated it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations. This proposed rule is expected to be an EO 13771 deregulatory action.

Additionally, on February 24, 2017, the President issued Executive Order 13777, ''Enforcing the Regulatory Reform Agenda.'' The Order required the head of each agency designate an agency official as its Regulatory Reform Officer (RRO). Each RRO oversees the implementation of regulatory reform initiatives and policies to ensure that agencies effectively carry out regulatory reforms, consistent with applicable law. Further, EO 13777 requires the establishment of a regulatory task force at each agency. The regulatory task force is required to make recommendations to the agency head regarding the repeal, replacement, or modification of existing regulations, consistent with applicable law. At a minimum, each regulatory reform task force must attempt to identify regulations that:

(i) Eliminate jobs, or inhibit job creation;

(ii) Are outdated, unnecessary, or ineffective;

(iii) Impose costs that exceed benefits;

(iv) Create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies;

(v) Are inconsistent with the requirements of Information Quality Act, or the guidance issued pursuant to that Act, in particular those regulations that rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard for reproducibility; or

(vi) Derive from or implement Executive Orders or other Presidential directives that have been subsequently rescinded or substantially modified.

Finally, on March 28, 2017, the President signed Executive Order 13783, entitled ''Promoting Energy Independence and Economic Growth.'' Among other things, EO 13783 requires the heads of agencies to review all existing regulations, orders, guidance documents, policies, and any other similar agency actions (collectively, agency actions) that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. Such review does not include agency actions that are mandated by law, necessary for the public interest, and consistent with the policy set forth elsewhere in that order.

Executive Order 13783 defined burden for purposes of the review of existing regulations to mean to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, transmission, or delivery of energy resources.

DOE concludes that this proposed rule is consistent with the directives set forth in these executive orders. Specifically, this proposed rule would require DOE to issue an export authorization upon receipt of any complete application that seeks to export natural gas, including LNG, to non-FTA countries, provided that the application satisfies the following two criteria: (1) The application proposes to export natural gas in a volume up to and including 0.14 Bcf/d, and (2) DOE's approval of the application does not require an EIS or an EA under NEPA. DOE proposes that applications that satisfy these criteria are requesting authorization for ''small-scale natural gas exports'' and, as such, the exports are deemed to be consistent with the public interest under NGA section 3(a). DOE's regulations regarding notice of applications and procedures conducted on applications would no longer apply to applications that satisfy these criteria. The proposed regulation would expedite DOE's processing of these applications, thereby reducing administrative burdens for the small-scale natural gas export market.

C. National Environmental Policy Act

DOE has determined that promulgation of these regulations fall into a class of actions that does not individually or cumulatively have a significant impact on the human environment as set forth under DOE's regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq*). Specifically, this rulemaking is covered under the Categorical Exclusion found in the DOE's National Environmental Policy Act regulations at paragraph A6 of appendix A to subpart D, 10 CFR part 1021, which applies to rulemakings that are strictly procedural. Accordingly, neither an EIS nor an EA is required.

D. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process (68 FR 7990). DOE has made its procedures and policies available on the Office of General Counsel's Web site: *http://www.gc.doe.gov*.

DOE has reviewed this proposed rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. As discussed in the preamble, this proposed rule would require DOE to issue an export authorization upon receipt of any complete application that seeks to export natural gas, including LNG, to non-FTA countries, provided that the application satisfies the following two criteria: (1) The application proposes to export natural gas in a volume up to and including 0.14 Bcf/d, and (2) DOE's approval of the application does not require an EIS or an EA under NEPA. DOE's regulations regarding notice of applications and procedures conducted on applications would no longer apply to applications that satisfy these criteria.

To date, DOE has received—and granted—seven applications to export LNG in volumes below 0.14 Bcf/d of natural gas to non-FTA countries (identified in section I.C). Of these seven applicants, two qualify as small businesses under the Small Business Administration's size standards under NAICS 221210, Natural Gas

Distribution, of 1,000 employees or less. Because it would streamline the application and approval process for small-scale natural gas exports, the proposed rule would not result in a significant economic impact on a substantial number of small entities. The proposed rule would, however, provide greater regulatory certainty for applicants by eliminating the individual application proceeding and public interest evaluation for qualifying applications. This, in turn, will both reduce the administrative burden associated with the application process and expedite authorization of qualifying applications, removing (at a minimum) the opportunity cost of receiving an application delayed by the current procedures.

Therefore, DOE certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities. Accordingly, DOE did not prepare an IRFA for this rulemaking. DOE's certification and supporting statement of factual basis will be provided to the Chief Counsel for Advocacy of the Small Business Administration for review under 5 U.S.C. 605(b).

E. Paperwork Reduction Act

The proposed rule does not change any requirements subject to review and approval by OMB pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and the procedures implementing that Act, 5 CFR 1320.1 *et seq.* Current natural gas import and export authorization holders, including any approved under this proposed rule, would be subject to the information collection requirements approved by the Office of Management and Budget under OMB Control No. 1901–0294. Public reporting burden for the certification is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

F. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires Federal agencies to examine closely the impacts of regulatory actions on tribal, state, and local governments. Subsection 101(5) of title I of that law defines a Federal intergovernmental mandate to include any regulation that would impose upon tribal, state, or local governments an enforceable duty, except a condition of Federal assistance or a duty arising from participating in a voluntary Federal program. Title II of that law requires each Federal agency to assess the effects of Federal regulatory actions on tribal, state, and local governments, in the aggregate, or to the private sector, other than to the extent such actions merely incorporate requirements specifically set forth in a statute. Section 202 of that title requires a Federal agency to perform a detailed assessment of the anticipated costs and benefits of any rule that includes a Federal mandate which may result in costs to tribal, state, or local governments, or to the private sector, of $100 million or more in any one year (adjusted annually for inflation). 2 U.S.C. 1532(a) and (b). Section 204 of that title requires each agency that proposes a rule containing a significant Federal intergovernmental mandate to develop an effective process for obtaining meaningful and timely input from elected officers of tribal, state, and local governments. 2 U.S.C. 1534.

This proposed rule would streamline procedures for small-scale natural gas exports. DOE has determined that the proposed rule would not result in the expenditure by tribal, state, and local governments in the aggregate, or by the private sector, of $100 million or more in any one year. Accordingly, no assessment or analysis is required under the Unfunded Mandates Reform Act of 1995.

G. Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule that may affect family well-being. The proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

H. Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt state law or that have Federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the states and carefully assess the necessity for such actions. DOE has examined this proposed rule and has determined that it would not preempt state law and would not have a substantial direct effect on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

I. Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the proposed rule meets the relevant standards of Executive Order 12988.

J. Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency

pursuant to general guidelines issued by OMB.

OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed this proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001) requires Federal agencies to prepare and submit to the OMB, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. For the reasons discussed in section II.C, this regulatory action would not have a significant adverse effect on the supply, distribution, or use of energy, and therefore is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved the publication of this proposed rule.

List of Subjects in 10 CFR Part 590

Administrative practice and procedure, Exports, Natural gas, Reporting and recordkeeping requirements.

Issued in Washington, DC, on August 25, 2017.

Robert J. Smith,

Acting Assistant Secretary, Office of Fossil Energy.

For the reasons stated in the preamble, DOE proposes to amend part 590, chapter II of title 10, subchapter G, Code of Federal Regulations as set forth below:

PART 590—ADMINISTRATIVE PROCEDURES WITH RESPECT TO THE IMPORT AND EXPORT OF NATURAL GAS

■ 1. The authority citation for part 590 continues to read as follows:

Authority: Secs. 301(b), 402(f), and 644, Pub. L. 95–91, 91 Stat. 578, 585, and 599 (42 U.S.C. 7151(b), 7172(f), and 7254), Sec. 3, Act of June 21, 1938, c. 556, 52 Stat. 822 (15 U.S.C. 717b); E.O. 12009 (42 FR 46267, September 15, 1977); DOE Delegation Order Nos. 0204–111 and 0204–127 (49 FR 6684, February 22, 1984; 54 FR 11437, March 20, 1989).

■ 2. Section 590.102 is amended by:
■ a. Redesignating paragraph (p) as paragraph (q), respectively;
■ b. Adding new paragraph (p).
The revisions to read as follows:

§ 590.102 Definitions.

* * * * *

(p) *Small-scale natural gas export* means an export of natural gas to nations with which there is not in effect a free trade agreement with the United States requiring national treatment for trade in natural gas and with which trade is not prohibited by U.S. law or policy, provided that the application for such export authority satisfies the following two criteria:

(1) The application proposes to export natural gas in a volume up to and including 0.14 billion cubic feet per day, and

(2) DOE's approval of the application does not require an environmental impact statement or an environmental assessment under the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*

* * * * *

■ 3. Section 590.208 is revised to read as follows:

§ 590.208 Small volume exports.

(a) *Small-scale natural gas exports.* Small-scale natural gas exports are deemed to be consistent with the public interest under section 3(a) of the Natural Gas Act, 15 U.S.C. 717b(a). DOE will issue an export authorization upon receipt of any complete application to conduct small-scale natural gas exports. DOE's regulations regarding notice of applications, 10 CFR 590.205, and procedures applicable to application proceedings, 10 CFR part 590, subpart C (10 CFR 590.303 to 10 CFR 590.317), are not applicable to small-scale natural gas exports.

(b) *Scientific, experimental, or other non-utility natural gas exports.* Any person may export up to 100,000 cubic feet of natural gas (14.73 pounds per square inch at 60 degrees Fahrenheit) or the liquefied or compressed equivalent thereof, in a single shipment for scientific, experimental, or other non-utility gas use without prior authorization of the Assistant Secretary.

[FR Doc. 2017–18580 Filed 8–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0660; Product Identifier 2017–NE–21–AD]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain General Electric Company (GE) GEnx–1B64/P2, –1B67/P2, –1B70/P2, –1B70/75/P2, –1B70C/P2, and –1B74/75/P2 turbofan engines. This proposed AD was prompted by a report of the failure of the high-pressure turbine (HPT) stage 1 blade retainer and subsequent in-flight shutdown of the engine. This proposed AD would require inspection of the HPT stage 1 blade retainer. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by October 16, 2017.

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

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

For service information identified in this NPRM, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: 513–552–3272; fax: 513–552–3329; email: *geae.aoc@ge.com*. You may view this service information at the FAA, Engine and Propeller Standards Branch, Policy and Innovation Division,

1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

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–2017–0660; 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 NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Christopher McGuire, Aerospace Engineer, FAA, ECO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7120; fax: 781–238–7199; email: *Chris.mcguire@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0660; Directorate Identifier 2017–NE–21–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM 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 NPRM.

Discussion

We learned of the failure of an HPT stage 1 blade retainer that resulted in an in-flight shutdown of the engine. This condition, if not corrected, could result in failure of one or more engines, loss of thrust control, and damage to the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed GE Service Bulletin (SB) GEnx–1B SB 72–0326 R02, dated August 16, 2017. The SB describes procedures for piece-part inspection of the HPT stage 1 blade retainer. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require inspection of the HPT stage 1 blade retainer.

Costs of Compliance

We estimate that this proposed AD affects 11 engines installed on airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection of the HPT stage 1 blade retainer	1 work-hour × $85 per hour = $85	$0	$85	$935

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 engines, propellers, and appliances to the Manager, Engine and Propeller Standards Branch, Policy and Innovation Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

General Electric Company: Docket No. FAA–2017–0660; Product Identifier 2017–NE–21–AD.

(a) Comments Due Date

We must receive comments by October 16, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) GEnx–1B64/P2, –1B67/P2, –1B70/P2, –1B70/75/P2, –1B70C/P2, and –1B74/75/P2 turbofan engines, with a high-pressure turbine (HPT) stage 1 blade retainer, part number (P/N) 2445M91P01 or 2383M99P02, with a serial number listed in Planning Information, paragraph 1.A., of GE GEnx–1B Service Bulletin (SB) 72–0326 R02, dated August 16, 2017.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Unsafe Condition

This AD was prompted by a report of the failure of the high-pressure turbine (HPT) stage 1 blade retainer and subsequent in-flight shutdown of the engine. We are issuing this AD to prevent failure of the HPT stage 1 blade retainer. The unsafe condition, if not corrected, could result in failure of one or more engines, loss of thrust control, and damage to the airplane.

(f) Compliance

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

(1) At the next engine shop visit after the effective date of this AD, perform a one-time inspection of the HPT stage 1 blade retainer. Use the Accomplishment Instructions, paragraph 3.A.(1), in GE GEnx–1B SB 72–0326 R02, dated August 16, 2017, to do the inspection.

(2) If any cracks are found in the HPT stage 1 blade retainer, or the retainer does not meet the dimensional criteria found in the Accomplishment Instructions, paragraph 3.A.(1), in GEnx–1B SB 72–0326 R02, dated August 16, 2017, replace with a part eligible for installation.

(g) Definition

For the purpose of this AD, an ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of pairs of major mating engine case flanges, except separation of engine flanges solely for the purposes of transportation or for replacing the fan or propulsor, without subsequent maintenance, does not constitute an engine shop visit.

(h) Alternative Methods of Compliance (AMOCs)

(1) The Manager, FAA, ECO Branch, Compliance and Airworthiness Division, 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 ECO Branch, send it to the attention of the person identified in paragraph (i)(1) of this AD. You may email your request to: *ANE-AD-AMOC@faa.gov*.

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

(i) Related Information

(1) For more information about this AD, contact Christopher McGuire, Aerospace Engineer, FAA, ECO Branch, Compliance and Airworthiness Division, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7120; fax: 781–238–7199; email: *Christopher.mcguire@faa.gov*.

(2) GE GEnx–1B SB 72–0326 R02, dated August 16, 2017, can be obtained from GE using the contact information in paragraph (i)(3) of this AD.

(3) For service information identified in this proposed AD, contact General Electric Company, GE-Aviation, Room 285, 1 Neumann Way, Cincinnati, OH 45215, phone: 513–552–3272; fax: 513–552–3329; email: *geae.aoc@ge.com*.

(4) You may view this service information at the FAA, Engine and Propeller Standards Branch, Policy and Innovation Division, 1200 District Avenue, Burlington, MA. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on August 29, 2017.

Robert J. Ganley,

Manager, Engine and Propeller Standards Branch, Aircraft Certification Service.

[FR Doc. 2017–18571 Filed 8–31–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 74

RIN 2900–AO63

VA Veteran-Owned Small Business Verification Guidelines

AGENCY: Department of Veterans Affairs.

ACTION: Withdrawal of proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) published a rule in the **Federal Register** on November 6, 2015, 80 FR 68795 that proposed amending its regulations governing the VA's Veteran-Owned Small Business (VOSB) Verification Program. The Verification Program has been the subject of reports from both the Government Accountability Office and VA's Office of Inspector General stating that despite VA's Verification Program, fraud still exists in the Veterans First Contracting Program. Some stakeholder feedback has been that the current regulation is too open to interpretation and is unnecessarily more rigorous than similar certification programs run by the United State Small Business Administration (SBA).

The proposed rule sought to clarify the eligibility requirements for businesses to obtain ''verified'' status, added and revised definitions, reordered requirements, redefined the definition of ''control,'' and provided explanatory information on VA's examination and review processes and procedures. The proposed rule additionally sought to implement new changes to community property restrictions, unconditional ownership, and day-to-day requirements and full-time requirements. An exception for majority, supermajority, unanimous, and other voting provisions for extraordinary business decisions were also proposed.

Comments to the proposed rule were to be provided to the Office of Small and Disadvantaged Business Utilization on or before January 5, 2016. Due to the nature of the adverse comments received, VA has determined not to pursue implementation of the rule as originally proposed. Accordingly, this document withdraws the proposed rule.

DATES: The proposed rule published on November 6, 2015, 80 FR 68795 is withdrawn as of September 1, 2017.

FOR FURTHER INFORMATION CONTACT: Tom Leney, Executive Director, Office of Small and Disadvantaged Business Utilization, Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420; (202) 462–4300. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: In the proposed rule published in the **Federal Register** on November 6, 2015, 80 FR 68795, VA sought to amend 38 CFR part 74 to find an appropriate balance between preventing fraud in the Veterans First Contracting Program and providing a process that would make it easier for more VOSBs to become verified.

VA received 203 comments from 96 commenters. 134 of these comments were adverse to the proposed rule and VA's verification program in general. Of the 134 adverse comments, several were

material comments which VA has accepted.

SBA, Office of Advocacy, objected to the proposed rule on various grounds including that it fails to provide an adequate basis in its Regulatory Flexibility Act (RFA) certification concerning the proposed rule's impact on small business entities. VA's RFA language provided that ''VA estimates the cost to an individual business to be less than $100.00 for 70–75 percent of the businesses seeking verification, and the average cost to the entire population of veterans seeking to become verified is less than $325.00 on average.'' In its comment, SBA stated that ''[o]ne of the most important provisions with the RFA requires that the promulgating agency give the public some idea of the number of small entities that any proposed rule will impact. VA's proposed certification does not provide any indication of the number of small businesses that may be impacted by the proposed change.'' After considering this comment, VA procured a survey to better demonstrate that the proposed rule would not have a significant economic impact on a substantial number of small business entities.

SBA also objected to the proposed rule to the extent that it failed to provide statutory or other legal authority following each cited substantive provision. SBA, in its comment, stated that the proposed rule does not comply with 38 U.S.C. 501 in that the proposed rule does not ''contain citations to the particular section or sections of statutory law or other legal authority upon which such issuance is based.'' After considering the SBA's comment, VA seeks to withdraw the proposed rule and to republish at a later date to ensure that each substantive revision is followed immediately by supporting statutory or other legal authority.

Fourteen comments spoke to potential violations of due process through the immediate removal of a company without allowing the company an opportunity to refute the allegations, such as owners accused of criminal offenses. The proposed amendment to 38 CFR 74.2(b) provides that ''[i]ndividuals having an ownership or control interest in VetBiz verified businesses must have good character. Concerns owned or controlled by a person(s) who is formally accused of a crime involving business integrity are ineligible for VetBiz VIP Verification. If, after verifying a participant's eligibility the person(s) controlling the participant is found to lack good character, CVE will remove the participant from the VIP database immediately . . .'' One commenter, SBA, commented that ''Section 74.2(b) of the proposed regulation would seem to deny an applicant due process of law . . . [and] . . . would seem to indicate that if an applicant is formally accused of an offense, that person is not eligible for Vet Biz Verification.'' Another commenter stated ''I would . . . question if being 'formally accused' and not actually proven guilty of any crime, is proper.'' After considering these and other similar comments, VA seeks to remove the portion of the proposed rule prescribing the immediate removal of companies, under certain circumstances, prior to allowing such affected company a chance to refute the allegations.

Six comments were lodged complaining that the increase of the waiting period following a denial of verification from 6 months to 12 months does not (i) benefit the Veteran, (ii) is unnecessarily long, and (iii) punitive in nature. One commenter stated that ''extending the waiting period from six to 12 months does not allow sufficient time for ineligible concerns to address significant issues'' any more than the current rule does. The current rule requires a *minimum* wait of six months—if issues require more time to address, the eligible veteran can make that determination and simply wait 12 months—or 16 months—to reapply. Second, the extended wait time will not incentivize applicants to avail themselves of CVE resources. In fact, lengthening the wait period will result in lost momentum and is described in the preamble as a form of punishment for veterans that do not use CVE resources. VA should not take this approach. Finally, the program will be no more efficient in the long run with a 12 month waiting period. Applications from concerns that are denied or cancelled will not decrease, they will only be filed in 12 months rather than in six.'' After considering these and other similar comments, VA seeks to withdraw the portion of the proposed rule that increases the waiting period from 6 to 12 months, following a denial of verification.

VA understands that in order to proceed forward without withdrawing the proposed rule and republishing, the proposed modifications to the proposed rule must be considered a logical outgrowth. Considering the extent of the revisions as outlined in this publication and that VA proposes to include additional modifications to the rule, it is unlikely that the proposed rule as modified would be considered a logical outgrowth. Because of the adverse comments received during the comment period, VA is withdrawing the proposed rule.

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 June 23, 2017, for publication.

Approved: June 23, 2017.

Jeffrey Martin,

Office Program Manager, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2017–18543 Filed 8–31–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 22, 24, 27, 30, 74, 80, 90, 95, and 101

[WT Docket No. 10–112; FCC 17–105]

Amendment of the Commission's Rules To Establish Uniform License Renewal, Discontinuance of Operation, and Geographic Partitioning and Spectrum Disaggregation Rules and Policies for Certain Wireless Radio Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission seeks additional comment on a range of possible actions that may advance the Commission's goal of increasing the number of rural Americans with access to wireless communications services. In order to encourage investment in wireless networks, facilitate access to scarce spectrum resources, and promote the rapid deployment of mobile services to rural Americans, the Commission seeks comment on additional, reasonable construction obligations during renewal terms that are targeted to reach rural areas that lack adequate service.

DATES: Interested parties may file comments on or before October 2, 2017, and reply comments on or before October 31, 2017.

ADDRESSES: You may submit comments, identified by WT Docket No. 10–112, by any of the following methods:

• *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS): *http://fjallfoss.fcc.gov/ecfs2/*. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

• *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. Generally if more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Commenters are only required to file copies in GN Docket No. 13–111.

• Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

• U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

FOR FURTHER INFORMATION CONTACT: Anna Gentry, *Anna.Gentry@fcc.gov,* of the Wireless Telecommunications Bureau, Mobility Division, (202) 418–2887. For additional information concerning the PRA information collection requirements contained in this document, contact Cathy Williams at (202) 418–2918 or send an email to *PRA@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking (*FNPRM*) in WT Docket No. 10–112, FCC 17–105, released on August 3, 2017. The complete text of the *FNPRM* is available for viewing via the Commission's ECFS Web site by entering the docket number, WT Docket No. 10–112. The complete text of the *FNPRM* is also available for public inspection and copying from 8:00 a.m. to 4:30 p.m. Eastern Time (ET) Monday through Thursday or from 8:00 a.m. to 11:30 a.m. ET on Fridays in the FCC Reference Information Center, 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 202–488–5300, fax 202–488–5563.

This proceeding shall continue to be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules (47 CFR 1.1200 *et seq.*). Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Synopsis

I. Introduction

The *FNPRM* seeks comment on a range of possible actions that may advance the Commission's goal of increasing the number of rural Americans with access to wireless communications services. A core Commission goal is to facilitate access to scarce spectrum resources and ensure that wireless communication networks are widely deployed so that every American, regardless of location, can benefit from a variety of communications offerings made available by Commission licensees. In pursuit of that goal, the Commission has, through various service rulemakings, created flexible-use geographic licenses and established initial term construction obligations tailored to specific bands, many of which were adopted with the stated intent of promoting service in rural areas.

Although the Commission's efforts have facilitated the rapid development of a wide variety of wireless services over the past decade, there remains a real and growing digital divide between rural and urban areas in the United States. While the construction obligations associated with geographic licenses are intended to encourage wide deployment of wireless networks, those obligations require licensees to provide service to only portions of the license area, not the entire area. Even the Commission's most aggressive initial term construction obligation, which requires licensees to cover 70 percent of the geographic area of the license, likely leaves significant portions of rural America, where deployment costs may be higher and demand lower, without meaningful mobile coverage. In addition, the Commission's current rules do not require any additional construction after the initial license term—that is, during subsequent renewal terms.

Therefore, in order to encourage investment in wireless networks, facilitate access to scarce spectrum resources, and promote the rapid deployment of mobile services to rural Americans, the *FNPRM* seeks comment on whether additional, reasonable construction obligations during renewal terms that are targeted to reach rural areas that lack adequate service would help achieve the Commission's goals. The *FNPRM* seeks comment on three methods for applying any such obligations: (1) Applying any new obligations on a prospective basis only to new licenses issued in the future; (2) establishing an ''opt-in'' framework to

facilitate additional buildout; or (3) applying any new obligations prospectively to all existing and future licensees of flexible geographic licenses.

In the event the Commission adopts construction obligations beyond a licensee's initial term requirements—whether on the opt-in or mandatory basis described above—the *FNPRM* seeks comment on the obligations that would be most effective to achieve the Commission's goals. Specifically, the *FNPRM* seeks comment on an additional construction obligation beyond a licensee's initial term construction obligations, under which the licensee would be required to exceed its original construction metric by an additional 10 percent in the next full renewal term, followed by incremental increases of five or 10 percent in subsequent renewal terms. The *FNPRM* also seeks comment on other, targeted construction obligations that might achieve the Commission's goal of expanded coverage with respect to spectrum bands used to provide service to consumers. In light of the wide variety of flexible geographic licenses and their potential uses, the *FNPRM* seeks comment on whether to apply any additional renewal term construction obligations to all flexible geographic licenses, or whether certain types of licenses should be excluded. Similarly, the *FNPRM* seeks comment on whether any additional renewal term obligations should vary depending on the type of license, or the specific band, to which they would apply, and, if so, why those obligations should vary.

In the event the Commission adopts additional construction obligations for license renewal terms, the *FNPRM* seeks comment on various implementation issues. First, the *FNPRM* seeks comment on requiring licensees to meet the additional construction obligations at the end of the next full renewal license term. As an alternative, the *FNPRM* seeks comment on requiring licensees to satisfy at least some additional renewal term construction obligations by a certain number of years into their renewal term, *e.g.,* five years into a ten-year renewal term. The *FNPRM* seeks comment on these and any other considerations concerning the timeframe for implementation that will most effectively facilitate rapid deployment of wireless communications services to rural areas. The *FNPRM* also seeks comment on possible renewal reporting obligations that could provide insights into the adoption and affordability of services being provided by wireless carriers and that may help achieve our goal of closing the digital divide, particularly in rural areas.

In order to create incentives for additional license construction, including investment in rural areas, the *FNPRM* seeks comment on appropriate penalties should licensees fail to meet those obligations. First, the *FNPRM* seeks comment on the ''keep-what-you-serve'' penalty for failure whereby a licensee's authorization would terminate automatically for those geographic portions of its license area in which the licensee is not providing service as of the construction deadline, and those unserved areas would be returned to the Commission's inventory for reassignment. Second, the *FNPRM* seeks comment on a ''use or offer'' penalty whereby a licensee that fails to meet its construction obligation would retain its entire license area, but would be required to negotiate in good faith with any third party seeking to acquire or lease spectrum in the unserved areas of the license. Third, the *FNPRM* seeks comment on a penalty resulting in total loss of the license or a reduction in license area, including loss of areas that the licensee serves. Finally, the *FNPRM* seeks comment generally on other penalties, including forfeitures, that could be used as alternatives to, or in combination with, those described above.

In the event that the Commission ultimately adopts penalties that result in the return of whole or partial licenses to the Commission's inventory for reassignment, the *FNPRM* seeks comment on various approaches for relicensing unused spectrum. First, the *FNPRM* seeks comment on applying a two-phased on-demand relicensing approach, such as the framework established by the Commission in the 700 MHz Second Report and Order, under which interested parties would be allowed to file applications to serve any amount of available unserved area. Under the framework established there, there is a 30-day Phase 1 filing window during which only the failing licensee is barred, followed by a Phase 2 window, which is open to all interested parties, including the failing licensee, and runs until all unserved areas in the market are relicensed. In the alternative, the *FNPRM* seeks comment on relicensing spectrum for unserved areas through a re-auction framework that would offer all remaining unserved areas in the license together in a single auction. the *FNPRM* seeks comment on the respective costs and benefits of both approaches to relicensing and any additional or alternative conditions that might serve our rural coverage objectives.

Finally, the *FNPRM* seeks comment on other possible changes to the Commission's rules that might reduce regulatory burdens to improve the renewal process and facilitate the efficient allocation and use of spectrum. The *FNPRM* seeks comment on whether it may be appropriate to extend the license term, upon renewal, of subject licenses. For example, a 10-year license term could be extended to 15 years, as an alternative to or in combination with any other approach to the timeframe for implementation. In addition, Verizon proposed that the Commission ''adopt a presumption that band-specific service rules or conditions will sunset at renewal, absent an affirmative finding that they are necessary in the public interest.'' The *FNPRM* seeks comment on what types of rules or conditions should be included under Verizon's proposed sunset presumption, including specific examples, and whether there are categories of regulations that should be excluded from any sunset-at-renewal presumption.

II. Procedural Matters

Initial Regulatory Flexibility Act Analysis

As required by the Regulatory Flexibility Act of 1980 (5 U.S.C. 603), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in this document. We request written public comment on the IRFA. Comments must be filed in accordance with the same deadlines as comments filed in response to the *FNPRM* as set forth on the first page of this document, and have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of the *FNPRM,* including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

Initial Paperwork Reduction Act Analysis

The *FNPRM* contains proposed new information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on the information collection requirements contained in this document, as required by PRA. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might ''further reduce the information collection burden for small business

concerns with fewer than 25 employees.''

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–18500 Filed 8–31–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 74

[GN Docket No. 14–166, ET Docket No. 14–165, GN Docket No. 12–268: FCC 17–95]

Promoting Spectrum Access for Wireless Microphone Operations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Commission proposes to permit professional theater, music, performing arts, or similar organizations that operate wireless microphones on an unlicensed basis and that meet certain criteria to obtain a license to operate in the TV bands (and the 600 MHz service band during the post-auction transition period), thereby allowing them to register in the white spaces databases for interference protection from unlicensed white space devices at venues where their events/productions are performed. In addition, the Commission proposes to permit these same users, based on demonstrated need, also to obtain a license to operate on other bands available for use by wireless microphone licensees provided that they meet the applicable requirements for operating in those bands. This proposed action promotes the Commission's goal of accommodating wireless microphone users' needs through access to spectrum resources following the incentive auction and reconfiguration of the TV bands.

DATES: Comments are due October 2, 2017. Reply comments are due October 16, 2017.

FOR FURTHER INFORMATION CONTACT: Paul Murray, Office of Engineering and Technology, 202–418–0688, *Paul.Murray@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Further Notice of Proposed Rulemaking, GN Docket No. 14–166, ET Docket No. 14–165, GN Docket No 12–268, FCC 17–95, adopted July 13, 2017, and released July 14, 2017. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW., Washington, DC 20554. The full text may also be downloaded at: *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0714/FCC-17-95A1.pdf*.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Synopsis

1. *Background.* As an alternative to its request for reinstatement of a reservation system for certain unlicensed wireless microphone users, wireless microphone manufacturer Shure requested in its petition for reconsideration of the Commission's 2015 *Wireless Microphones R&O,* 80 FR 71702, November 17, 2015, that the Commission provide a more limited reservation system that would make registration for interference protection for wireless microphone users in the TV bands available in special circumstances requiring a high degree of reliability for a user that does not typically use 50 or more microphones. Shure pointed out that recent Commission decisions, including the elimination of two ''reserved'' TV channels for wireless microphones in the TV bands following the incentive auction, has resulted in unlicensed wireless microphone users having access to fewer vacant TV channels that would be free from interference from white space devices.

2. Under the Commission's part 74 Low Power Auxiliary Stations (LPAS) rules, licensed operations of wireless microphones are permitted on the TV band frequencies on a secondary, non-exclusive basis, with license eligibility restricted to a limited set of specified entities. Prior to 2014, eligibility was restricted to licensees of radio and broadcast television stations, broadcast television network entities, certain cable television system operators, and motion picture and television program producers. In the *TV Bands Wireless Microphones Second R&O,* 79 FR 40680, July 14, 2014, the Commission provided for a limited expansion of eligibility under part 74, Subpart H, to include professional sound companies and venues that routinely use 50 or more wireless microphones for major events/productions where use of such devices is an integral part of these events/productions. When using frequencies in the TV bands, these licensed wireless microphone users may also register with the white spaces databases to receive interference protection from unlicensed white space devices in the TV bands at specified locations when these events/productions are performed.

3. In providing for this limited expansion of license eligibility, the Commission explained that these particular entities share the need of the other eligible entities for regular and reliable high quality audio services that are free from interference, and often require a large number of wireless microphones to meet their needs. In particular, the Commission concluded that professional sound companies and venues that routinely use 50 or more wireless microphones at events/productions generally have the same needs for interference protection as existing part 74 wireless microphone licensees, particularly given the spectrum requirements associated with use of a large number of wireless microphones. The Commission found that these types of professional users have experience in coordinating wireless microphone uses among themselves at venues or events, even in congested markets, and have similar needs to existing part 74 wireless microphone licensees, and concluded that routine use of 50 microphones was a reasonable threshold for identifying entities that are more likely to require interference protection in order to ensure high quality audio services.

4. In the 2015 *Wireless Microphones R&O,* the Commission adopted various revisions in with regard to licensed wireless microphone operations under the part 74 LPAS rules. With respect to the TV bands, it revised the rules to provide more opportunities for licensed wireless microphone users to access spectrum by allowing greater use of VHF channels, and by providing for closer co-channel operation without the need for coordination where the licensed wireless microphone user determines that the TV signals fell below a specified threshold (such that wireless microphone operations would pose little risk of causing harmful interference to TV service). The Commission also expanded eligibility for licensed use of the 600 MHz duplex gap to all entities eligible to hold part 74 wireless microphone licenses for using TV band spectrum. In addition, outside of the TV bands the Commission opened up additional portions of the 900 MHz band (portions of the 941–944 MHz and 952–960 MHz bands on each side of the 944–952 MHz band), as well as portions of the 1435–1525 MHz band (with special equipment and coordination requirements) and the 6875–7125 MHz band, to permit use by

licensed wireless microphone operations on a secondary basis under specified conditions.

5. On April 13, 2017, the broadcast television incentive auction closed, thereby establishing: (1) The revised TV bands that will be repacked and will continue to be available for use by wireless microphones on a secondary licensed or an unlicensed basis, and (2) the 600 MHz Band Plan, which includes the limited spectrum that will be available for wireless microphone operations in the 600 MHz guard band and duplex gap after the end of the post-auction transition period. As a result of the repurposing of 84 megahertz of TV bands spectrum in the incentive auction, the spectrum in the revised and repacked TV bands (channels 2–36) available for licensed and unlicensed wireless microphone use will be substantially reduced in the coming years, although the specific amount of spectrum that remains available will vary depending on the particular locations of the users' wireless microphones operations.

6. *Discussion.* The Commission agrees with Shure and commenters supporting its petition that certain unlicensed wireless microphone users that do not meet the 50 microphone threshold nonetheless have identical or similar needs for interference protection at their events/productions as do entities that currently qualify for part 74 wireless microphone licenses. In many instances, the 50 microphone threshold is unnecessarily restrictive as it excludes many entities that have the need for professional high-quality audio for their events/productions. Therefore, we propose and seek comment on how best to accommodate these wireless microphone users to the extent that, based on demonstration of particular need, they should qualify for a license at their events/productions.

7. The Commission recognizes that the 50 microphone threshold is a proxy for the need for professional, interference-free high-quality audio events/productions. Therefore the Commission proposes to allow certain theater, music, and performing arts organizations that do not meet this threshold but are otherwise able to demonstrate they have these ''professional'' needs and capabilities to obtain a part 74 license to operate in the TV bands and the 600 MHz duplex gap. This would address the specific concerns raised in the petition by allowing these users to register for interference protection from white space devices when operating in the TV bands. In addition, the Commission proposes to allow such users access to other spectrum bands available to part 74 wireless microphone licensees, including portions of the 900 MHz, 1435–1525 MHz, and 7 GHz band spectrum where the need and requisite capabilities are demonstrated. Furthermore, the Commission seeks comment on whether there also may be certain other, similar types of organizations that use wireless microphones for productions where professional-level high-quality audio service is required and these needs cannot otherwise be met, such that the organization also may merit such protection for the same reasons.

8. To fully account for these certain wireless microphone users with professional needs, the Commission proposes to revise the definition of both ''large venue owner or operator'' and ''professional sound company'' under our rules. The Commission proposes to define these terms to include *either* (a) wireless microphone users that routinely use 50 or more wireless microphones where the use is an integral part of major events or productions (as provided under existing rules) *or* (b) wireless microphone users that otherwise can demonstrate a particular need for, and the capability to provide, professional, high-quality audio that is integral to their events or productions.

9. To demonstrate a need for high-quality audio during events/productions under prong (b), an applicant for a part 74 license would be required to show that its needs for high-quality audio services for its audiences are identical or substantially similar to those of current part 74 licensees. The Commission seeks comment on what this demonstration would look like, and how the Commission would determine whether there is actual need for a license and that the spectrum would be used in a spectrally efficient manner.

10. Furthermore, to demonstrate the requisite capability to provide professional high quality audio under prong (b), an applicant for such a part 74 license would need to demonstrate that it has the professional-level technical and operational capabilities to carry out its responsibilities associated with holding a license (*e.g.,* coordination responsibilities, technical capabilities, and registration capabilities). This criterion is meant to encompass users that have capabilities that are identical or similar to the professional sound companies/large venues that currently qualify for part 74 licenses, but that do not meet the 50 microphone threshold.

11. As in the *TV Bands Wireless Microphones Second R&O,* the Commission is proposing only a limited expansion of eligibility that strikes an appropriate balance in expanding licensee eligibility where there is a clear need for professional high-quality audio for particular events/productions, while ensuring that spectrum is shared effectively with existing wireless microphone licensees and remains available for other uses, such as by white space devices. Commenters should discuss the effect that the proposed expansion of eligibility for wireless microphone licenses would have on other users of the spectrum.

12. In addition to proposing to permit professional theater, music, and performing arts organizations that do not meet the 50 microphone threshold but meet the two-part test above to obtain a part 74 license in the TV bands and the 600 MHz duplex gap, the Commission also proposes to permit these entities to qualify for a license in portions of the 900 MHz band, as well as in the 1435–1525 MHz and 6975–7125 MHz band, that also are available for part 74 wireless microphone licensees, upon demonstrated need and ability to meet the necessary coordination and other requirements pertaining to each particular band. The Commission believes that any risk of wireless microphone operations causing harmful interference to these primary licensees is low considering that wireless microphones operate at relatively low power over short ranges.

13. The Commission seeks any additional comment on this proposed case-by-case approach, and on possible alternatives to that approach. Commenting parties proposing alternative approaches should explain the rationale for the metric or standard that they propose, address how it would be a reasonable and appropriate way of identifying the class of wireless microphone users that merit a license, and provide sufficient data and other information supporting such an approach.

Procedural Matters

14. *Paperwork Reduction Analysis.* The Further Notice of Proposed Rulemaking (FNPRM) contains proposed new information collection requirements. We invite the general public and Office of Management and Budget to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, the Commission seek specific comment on how we might further reduce the information collection burden for small

business concerns with fewer than 25 employees.

15. *Initial Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities of the proposals addressed in this FNPRM. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines for comments on the FNPRM, and they should have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, will send a copy of this FNPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the RFA.

16. This proceeding is initiated to explore whether certain professional theater, music, performing arts, or similar organizations that operate wireless microphones on an unlicensed basis and meet certain criteria should be permitted to: (1) Obtain part 74 licenses in the TV bands to enable them to register in the white spaces databases for interference protection from unlicensed white space devices that operate in those bands, and to access the portion of spectrum available to licensed wireless microphone users in the 600 MHz duplex gap (specifically, the 653–657 MHz portion); and (2) obtain part 74 licenses to operate in other bands available for use by part 74 licensed wireless microphone licensees, including portions of the 900 MHz, 1435–1525 MHz, and 6975–7125 MHz bands, provided that they meet the applicable requirements for operating in those bands.

17. The proposal set forth in the FNPRM would apply to certain theater, music production, and performing arts, and similar organizations that currently use wireless microphones on an unlicensed—rather than licensed—basis to meet their audio service needs because they fail to meet the 50 microphone license eligibility requirement to be a ''large venue or operator'' or ''professional sound company'' under the Commission's Rules for part 74 Low Power Auxiliary Stations. Under the proposal, an unlicensed wireless microphone applicant for a part 74 license would be required to establish that needs access to more spectrum in these bands is needed for its major events or productions, based on a showing of its particular needs at that specified location, that its need for high-fidelity audio services for its audiences are identical or substantially similar to those of current part 74 licensees, and that it has the professional-level technical and operational capabilities to carry out its responsibilities as a licensee.

18. *Ex Parte Presentations.* This proceeding will be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

19. *Comment Filing Procedures.* Pursuant to §§ 1.415 and 1.419, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers.* Comments may be filed electronically using the Internet by accessing the ECFS, *http://apps.fcc.gov/ecfs*.
- *Paper Filers.* Parties who file by paper must include an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

○ All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

○ Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

○ U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

Persons with Disabilities. To request materials in accessible formats for persons with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (TTY).

Ordering Clauses

20. *It is ordered* that, pursuant to §§ 1, 4(i), 4(j), 7(a), 301, 302(a), 303(f), and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 157(a), 301, 302a, 303(f), and 332, the Further Notice of Proposed Rulemaking is *Adopted*.

21. *It is ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 74

Reporting and recordkeeping requirements.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Proposed Rules

The Federal Communications Commission proposes to amend 47 CFR part 74 as follows:

PART 74, SUBPART H—LOW POWER AUXILIARY STATIONS

■ 1. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 336, and 554.

■ 2. Amend § 74.801 the definitions for ''*Professional sound company*'' and ''*Venue owner or operator*'' to read as follows:

§ 74.801 Definitions.

* * * * *

Professional sound company. Professional sound company refers to a person or organization that provides audio services that (a) routinely use 50 or more low power auxiliary station devices, where the use of such devices is an integral part of major events or productions, or (b) can otherwise demonstrate a particular need for, and the capability to provide, professional high-quality audio through use of low power auxiliary station devices, where the use is an integral part of events or productions. Routinely using 50 or more low power auxiliary station devices means that the professional sound company uses 50 or more such devices for most events or productions.

* * * * *

Venue owner or operator. A venue owner or operator refers to a person or organization that owns or operates a venue that (a) routinely uses 50 or more low power auxiliary station devices, where the use is an integral part of major events or productions, or (b) can otherwise demonstrate a particular need for, and the capability to provide, professional high-quality audio through use of low power auxiliary station devices, where the use is an integral part of events or productions. Routinely using 50 or more low power auxiliary station devices means that the venue owner or operator uses 50 or more such devices for events or productions.

* * * * *

■ 3. Amend § 74.832 by revising paragraph (a)(7) to read as follows:

§ 74.832 Licensing requirements and procedures.

* * * * *

(a)* * *

(7) Venue owners or operators as defined in § 74.801.

* * * * *

[FR Doc. 2017–17441 Filed 8–31–17; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 82, No. 169
Friday, September 1, 2017

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

DEPARTMENT OF AGRICULTURE

Forest Service

Ketchikan Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Ketchikan Resource Advisory Committee (RAC) will meet in Ketchikan, Alaska. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *https://www.fs.usda.gov/main/pts.*

DATES: The meeting will be held on September 21, 2017, at 5:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Ketchikan Misty Fiords Ranger District, 3101 Tongass Avenue, Ketchikan, Alaska. For participants that would like to attend via teleconference, please contact the person listed under **FOR FUTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Ketchikan Misty Fiords Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Penny Richardson, Acting RAC Coordinator, by phone at 907–228–4105 or via email at *prichardson@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Introduce new Acting District Ranger,
2. Review post RAC projects, and
3. Update members on status of approved RAC projects.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 15, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Penny Richardson, Acting RAC Coordinator, Ketchikan Misty Fiords Ranger District, 3101 Tongass Avenue, Ketchikan, Alaska 99901; by email to *prichardson@fs.fed.us;* or via facsimile to 907–225–8738.

Meeting Accommodations: If you require reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 8, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18554 Filed 8–31–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Forestry Research Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Call for nominations.

SUMMARY: The United States Department of Agriculture (USDA) is seeking nominations for the Forestry Research Advisory Council of the Agriculture and Food Act of 1981 (the Act), and the Federal Advisory Committee Act. Additional information on the FRAC can be found by visiting the FRAC Web site at: *http://www.fs.fed.us/research/about/forestry-research-council/.*

DATES: Written nominations must be received by October 16, 2017. Nominations must contain a completed application packet that includes the nominee's name, resume, and completed Form AD–755 (Advisory Committee Membership Background Information). The package must be sent to the address below.

ADDRESSES: Tracy C. Hancock, USDA Forest Service, Office of the Deputy Chief, Research and Development, 201 14th Street SW., Mail Stop 1120, Washington, DC 20250–11 by express mail or overnight courier service. If sent via the U.S. Postal Service, they must be sent to the following address: U.S. Department of Agriculture, Forest Service, Office of the Deputy Chief, Research and Development, Mail Stop 1120, 1400 Independence Avenue SW., Washington, DC 20250–1120.

FOR FURTHER INFORMATION CONTACT: Tracy C. Hancock, FRAC Designated Federal Official (DFO), USDA Forest Service, Office of the Deputy Chief, Research and Development, by telephone at (202) 205–1724, or by email at *tchancock@fs.fed.us* or Sharon Parker, Ph.D., FRAC Executive Secretarry, USDA Forest Service, Office of the Deputy Chief, Research and Development by telephone at (703) 340–7864, or by email at *sparker01@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 5 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

The FRAC will be comprised of no more than 20 members approved by the Secretary of Agriculture. The FRAC membership will be fairly balanced in terms of the points of view represented, functions to be performed, and will represent a broad array of expertise, leadership and relevancy to a membership category. Geographic

balance and a balanced distribution among the categories are also important. The FRAC members will serve 3-year terms, and will meet annually, or as often as necessary. The FRAC shall include a maximum of five representation from each of the four following categories: (1) Federal and State Agencies; (2) Forest Industry; (3) Academic; and (4) Voluntary Organization. Vacancies on the FRAC will be filled in the manner in which the original appointment was made. Members of the FRAC shall serve without compensation. FRAC members may be allowed travel expenses and per diem for attendance at council meetings, subject to approval of the DFO responsible for administrative support to the FRAC.

Nomination and Application Information

The appointment of members to the FRAC will be made by the Secretary of Agriculture. The public is invited to submit nominations for membership on the FRAC, either as a self-nomination or a nomination of any qualified and interested person. Any individual or organization may nominate one or more qualified persons to represent the interest areas listed above. To be considered for membership, nominees must submit a:

1. Identify what interest group they would represent and how they are qualified to represent that interest group;

2. Provide a cover letter stating why they want to serve on the FRAC and what they can contribute;

3. Provide a resume showing their past experience in working successfully as part of a group working on forest research activities; and

4. Complete Form AD–755, Advisory Committee Membership Background Information. The Form AD–755 may be obtained from Forest Service contact person or from the following Web site: *https://www.ocio.usda.gov/sites/default/files/docs/2012/AD-755%20-%20Approved%20Master%202015.pdf.* All nominations will be vetted by USDA.

Equal opportunity practices in accordance with USDA policies shall be followed in all in all appointments to FRAC. To ensure that the recommendations of the FRAC have taken into account the needs of the diverse groups served by USDA, membership will, to the extent practicable, include individuals with demonstrated ability to represent all racial and ethnic groups, women and men, and persons with disabilities.

Dated: August 14, 2017.

Malcom Shorter,

Deputy Assistant Secretary for Administration.

[FR Doc. 2017–18557 Filed 8–31–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Meeting of Plumas County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Plumas County Resource Advisory Committee (RAC) will meet in Quincy, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *http://www.fs.usda.gov/main/pts/specialprojects/racweb.*

DATES: The meeting will be held on September 23, 2017, at 9:30 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Plumas-Sierra County Fairgrounds Mineral Building, 204 Fairground Road, Quincy, California.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Plumas National Forest (NF) Headquarters. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Lee Anne Schramel, RAC Coordinator, by phone at 530–283–7850 or via email at *easchramel@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review project proposals, and

2. Make project funding recommendations for Title II funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by one week prior to the meeting to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Lee Anne Schramel, RAC Coordinator, Plumas NF Headquarters, 159 Lawrence Street, Quincy, California 95971; by email to *easchramel@fs.fed.us,* or via facsimile to 530–283–7746.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**.

All reasonable accommodation requests are managed on a case by case basis.

Dated: August 9, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18559 Filed 8–31–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Central Montana Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Central Montana Resource Advisory Committee (RAC) will meet in Stanford, Montana. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the

following Web site: *www.fs.usda.gov/helena/.*

DATES: The meeting will be held on September 21, 2017, at 6:30 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Judith Ranger District, 109 Central Avenue, Stanford, Montana.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Helena-Lewis and Clark National Forest Great Falls Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Dave Cunningham, RAC Coordinator, by phone at 406–791–7700 or via email at *dcunningham01@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and make recommendiations on proposed projects for Title II funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 10, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Dave Cunningham, RAC Coordinator, Helena-Lewis and Clark National Forest Great Falls Office, 1220 38th St. North, Great Falls, Montana 59405; by email to *dcunningham01@fs.fed.us* or via facsimile to 406–731–5302.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 3, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18558 Filed 8–31–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Snohomish-South Mt. Baker-Snoqualmie Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Snohomish-South Mt. Baker-Snoqualmie Resource Advisory Committee (RAC) will meet in Everett, Washington. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *https://www.fs.usda.gov/main/mbs/workingtogether/advisorycommittees.*

DATES: The meeting will be held on September 12, 2017, at 9:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Mt. Baker-Snoqualmie National Forest (NF) Supervisor's Office, 2930 Wetmore Avenue, Suite 3A, Everett, Washington. Participants who would like to attend by teleconference please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Mt. Baker-Snoqualmie NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Tracy O'Toole, Designated Federal Officer (DFO), by phone at 425–783–6015 or via email at *tracymotoole@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review project proposals, and
2. Make project recommendations for Title II funding.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 8, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Tracy O'Toole, DFO, Mt. Baker-Snoqualmie NF Supervisor's Office, 2930 Wetmore Ave., Suite 3A, Everett, Washington 98201; by email to *tracymotoole@fs.fed.us,* or via facsimile to 425–783–6001.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 8, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18564 Filed 8–31–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Wrangell-Petersburg Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Wrangell-Petersburg Resource Advisory Committee (RAC) will meet in Wrangell, Alaska and Petersburg, Alaska. The committee is authorized under the Secure Rural Schools and Community Self-

Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *https://www.fs.usda.gov/main/pts/specialprojects/racweb.*

DATES: The meeting will be held on Saturday, September 23, 2017, from 8:00 a.m. to 5:00 p.m., or until business is concluded.

All RAC meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Wrangell Ranger District, 525 Bennett Street, Wrangell, Alaska; and at the Petersburg Ranger District, 12 North Nordic Drive, Petersburg, Alaska. The two locations will be connected via videoteleconference. Interested persons may attend in person at either location, or by teleconference. For anyone who would like to attend by teleconference, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under Supplementary Information. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Petersburg Ranger District or the Wrangell Ranger District. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: David Zimmerman, District Ranger, by phone at 907–772–3871 or via email at *dlzimmerman@fs.fed.us;* or Robert Dalrymple, District Ranger, by phone at 907–874–2323 or via email at *rdalrymple@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review progress of previously funded projects;

2. Review new project proposals; and

3. Conclude any business that may be remaining concerning recommendations for allocation of Title II funding to projects.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 18, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to David Zimmerman, District Ranger, Petersburg Ranger District, Post Office Box 1328, Petersburg, Alaska 99833; or Robert Dalrymple, District Ranger, Wrangell Ranger District, Post Office Box 51, Wrangell, Alaska 99929; by email to *dlzimmerman@fs.fed.us,* or via facsimile to 907–772–5995.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 11, 2017.

Glenn Casamassa,

Associate Deptuy Chief, National Forest System.

[FR Doc. 2017–18553 Filed 8–31–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Snohomish-South Mt. Baker-Snoqualmie Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Snohomish-South Mt. Baker-Snoqualmie Resource Advisory Committee (RAC) will meet in Everett, Washington. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *https://www.fs.usda.gov/main/mbs/workingtogether/advisorycommittees.*

DATES: The meeting will be held on September 15, 2017, at 9:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Mt. Baker-Snoqualmie National Forest (NF) Supervisor's Office, 2930 Wetmore Avenue, Suite 3A, Everett, Washington. Participants who would like to attend by teleconference please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Mt. Baker-Snoqualmie NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Tracy O'Toole, Designated Federal Officer (DFO), by phone at 425–783–6015 or via email at *tracymotoole@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review project proposals, and

2. Make project recommendations for Title II funding.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 8, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Tracy O'Toole, DFO, Mt. Baker-Snoqualmie NF Supervisor's Office, 2930 Wetmore Ave, Suite 3A, Everett, Washington 98201; by email to *tracymotoole@fs.fed.us,* or via facsimile to 425–783–6001.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language

interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 8, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18552 Filed 8–31–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

West Virginia Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The West Virginia Resource Advisory Committee (RAC) will meet in Elkins, West Virginia. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *https://cloudapps-usda-gov.secure.force.com/FSSRS/RAC_Page?id=001t0000002JcuqAAC.*

DATES: The meeting will be held on September 26, 2017, from 10:00 a.m.–1:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held in the Monongahela National Forest Headquarters Building, First Floor Conference Room, 200 Sycamore Street, Elkins, West Virginia. Participants who would like to attend by teleconference or by video conference, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Monongahela National Forest Headquarters Building. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Julie Fosbender, RAC Coordinator, by phone at 304–636–1800 extension 169 or via email at *jfosbender@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and

8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to evaluate and recommend Title II project proposals.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 20, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Julie Fosbender, RAC Coordinator, Monongahela National Forest Headquarters Building, 200 Sycamore Street, Elkins, West Virginia 26241; by email to *jfosbender@fs.fed.us;* or via facsimile to 304–637–0582.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: July 5, 2017.

Glenn Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18555 Filed 8–31–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Fremont and Winema Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Fremont and Winema Resource Advisory Committee (RAC) will meet in Bly, Oregon. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *http://facadatabase.gov/committee/committee.aspx?cid=2266&aid=171.*

DATES: The meeting will be held on September 14, 2017, from 10:00 a.m. to 3:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Bly Ranger Station, Upper Conference Room, 64011 Highway 140, Bly, Oregon.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Bly Ranger Station. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: David Brillenz, Designated Federal Officer, by phone at 541–947–6328, or by email at *davidbbrillenz@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review current RAC projects being implemented on Lake and Klamath Counties, and

2. Review future roles and responsibilities for the Fremont and Winema RAC concerning current and future recreation on the Fremont-Winema National Forest.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request it in writing by September 7, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written

comments and requests for time to make oral comments must be sent to Barry Hansen, Acting RAC Coordinator, 64011 Highway 140, Bly, Oregon 97622; or by email to *bahansen@fs.fed.us.*

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 8, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18563 Filed 8–31–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Snohomish-South Mt. Baker-Snoqualmie Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Snohomish-South Mt. Baker-Snoqualmie Resource Advisory Committee (RAC) will meet in Everett, Washington. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *https://www.fs.usda.gov/main/mbs/workingtogether/advisorycommittees.*

DATES: The meeting will be held on September 19, 2017, at 9:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Mt. Baker-Snoqualmie National Forest (NF) Supervisor's Office, 2930 Wetmore Avenue, Suite 3A, Everett, Washington. Participants who would like to attend by teleconference please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Mt. Baker-Snoqualmie NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Tracy O'Toole, Designated Federal Officer (DFO), by phone at 425–783–6015 or via email at *tracymotoole@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review project proposals, and

2. Make project recommendations for Title II funding.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 11, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Tracy O'Toole, DFO, Mt. Baker-Snoqualmie NF Supervisor's Office, 2930 Wetmore Ave, Suite 3A, Everett, Washington 98201; by email to *tracymotoole@fs.fed.us,* or via facsimile to 425–783–6001.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 8, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18560 Filed 8–31–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Fresno and Madera Counties Resource Advisory Committees

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Fresno and Madera Counties Resource Advisory Committees (RAC) will meet in Clovis, California. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act.

DATES: The meeting will be held on September 14, 2017, from 6:00 p.m. to 8:00 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Sierra National Forest (NF) Supervisor's Office, 1600 Tollhouse Road, Clovis, California.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Sierra NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Julie Roberts, RAC Coordinator, by phone at 559–297–0706 or via email at *jaroberts@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Discuss and agree on general operating procedures,

2. Elect a chair,

3. Review project proposals, and

4. Vote to recommend project proposals for Title II Funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an

oral statement should request in writing by September 1, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time for oral comments must be sent to Julie Roberts, RAC Coordinator, Sierra NF Supervisor's Office, 1600 Tollhouse Road, Clovis, California 93611; by email to *jaroberts@fs.fed.us,* or via facsimile to 559–294–4809.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accommodation for access to the facility or proceedings by contacting the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 9, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18562 Filed 8–31–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Snohomish-South Mt. Baker-Snoqualmie Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Snohomish-South Mt. Baker-Snoqualmie Resource Advisory Committee (RAC) will meet in Everett, Washington. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *https://www.fs.usda.gov/main/mbs/workingtogether/advisorycommittees.*

DATES: The meeting will be held on September 22, 2017, at 9:00 a.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Mt. Baker-Snoqualmie National Forest (NF) Supervisor's Office, 2930 Wetmore Avenue, Suite 3A, Everett, Washington. Participants who would like to attend by teleconference please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Mt. Baker-Snoqualmie NF Supervisor's Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Tracy O'Toole, Designated Federal Officer (DFO), by phone at 425–783–6015 or via email at *tracymotoole@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Review project proposals, and
2. Make project recommendations for Title II funding.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 15, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Tracy O'Toole, DFO, Mt. Baker-Snoqualmie NF Supervisor's Office, 2930 Wetmore Ave., Suite 3A, Everett, Washington 98201; by email to *tracymotoole@fs.fed.us,* or via facsimile to 425–783–6001.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 8, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18561 Filed 8–31–17; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Central Montana Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Central Montana Resource Advisory Committee (RAC) will meet in Stanford, Montana. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the Act. RAC information can be found at the following Web site: *www.fs.usda.gov/helena/.*

DATES: The meeting will be held on September 14, 2017, at 6:30 p.m.

All RAC meetings are subject to cancellation. For status of meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: The meeting will be held at the Judith Ranger District, 109 Central Avenue, Stanford, Montana.

Written comments may be submitted as described under **SUPPLEMENTARY INFORMATION**. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Helena-Lewis and Clark National Forest Great Falls Office. Please call ahead to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Dave Cunningham, RAC Coordinator, by phone at 406–791–7700 or via email at *dcunningham01@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and make recommendiations on proposed projects for Title II funds.

The meeting is open to the public. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by September 10, 2017, to be scheduled on the agenda. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. Written comments and requests for time to make oral comments must be sent to Dave Cunningham, RAC Coordinator, Helena-Lewis and Clark National Forest Great Falls Office, 1220 38th St. North, Great Falls, Montana 59405; by email to *dcunningham01@fs.fed.us* or via facsimile to 406–731–5302.

Meeting Accommodations: If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpreting, assistive listening devices, or other reasonable accommodation. For access to the facility or proceedings, please contact the person listed in the section titled **FOR FURTHER INFORMATION CONTACT**. All reasonable accommodation requests are managed on a case by case basis.

Dated: August 3, 2017.

Jeanne M. Higgins,

Acting Associate Deputy Chief, National Forest System.

[FR Doc. 2017–18556 Filed 8–31–17; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Texas Advisory Committee

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Texas Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Central Time) September 6, 2017. The purpose of the meeting is for the Committee to discuss and likely vote on project topic of study.

DATES: The meeting will be held on Wednesday, September 6, 2017, at 12:00 p.m. CDT.

PUBLIC CALL INFORMATION:

Dial: 888–695–0609.
Conference ID: 9329659.

FOR FURTHER INFORMATION CONTACT: Ana Victoria Fortes (DFO) at *afortes@usccr.gov* or (213) 894–3437.

SUPPLEMENTARY INFORMATION: This meeting is available to the public through the following toll-free call-in number: 888–695–0609, conference ID number: 9329659. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S. Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed to Ana Victoria Fortes at *afortes@usccr.gov.* Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at *http://facadatabase.gov/committee/meetings.aspx?cid=276.* Please click on the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's Web site, *http://www.usccr.gov,* or may contact the Regional Programs Unit at the above email or street address.

Agenda

I. Welcome
II. Approval of June 28, 2017 Minutes
III. Discussion on FY17 Civil Rights Project Ideas
IV. Public Comment
V. Next Steps
VI. Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance of DFO capacity that required rescheduling meeting to this date.

Dated: August 28, 2017.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2017–18539 Filed 8–31–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

First Responder Network Authority

[Docket Number: 160728668–6668–02]

RIN 0660–XC028

Notice of Availability of a Final Programmatic Environmental Impact Statement for the Central Region of the Nationwide Public Safety Broadband Network

AGENCY: First Responder Network Authority, National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice of availability of a final programmatic environmental impact statement.

SUMMARY: The First Responder Network Authority (''FirstNet'') announces the availability of the Final Programmatic Environmental Impact Statement for the Central Region (''Final PEIS''). The Final PEIS evaluates the potential environmental impacts of the proposed nationwide public safety broadband network in the Central Region (Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Utah, Wyoming, and Wisconsin).

ADDRESSES: The Final PEIS is available for download from *www.regulations.gov* under docket number FIRSTNET–2017–0005. Notification of the availability of this document has been sent to public libraries (see Chapter 24 of the Final PEIS for the complete distribution list).

FOR FURTHER INFORMATION CONTACT: For more information on the Final PEIS, contact Amanda Goebel Pereira, NEPA Coordinator, First Responder Network Authority, National Telecommunications and Information Administration, U.S. Department of

Commerce, 12201 Sunrise Valley Drive, M/S 243, Reston, VA 20192.

SUPPLEMENTARY INFORMATION: The Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112–96, Title VI, 126 Stat. 256 (codified at 47 U.S.C. 1401 *et seq.*)) (the ''Act'') created and authorized FirstNet to take all actions necessary to ensure the building, deployment, and operation of an interoperable, nationwide public safety broadband network (''NPSBN'') based on a single, national network architecture. The Act meets a longstanding and critical national infrastructure need, to create a single, nationwide network that will, for the first time, allow police officers, fire fighters, emergency medical service professionals, and other public safety entities to effectively communicate with each other across agencies and jurisdictions. The NPSBN is intended to enhance the ability of the public safety community to perform more reliably, effectively, and safely; increase situational awareness during an emergency; and improve the ability of the public safety community to effectively engage in those critical activities.

The National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) (''NEPA'') requires federal agencies to undertake an assessment of environmental effects of their proposed actions prior to making a final decision and implementing the action. NEPA requirements apply to any federal project, decision, or action that may have a significant impact on the quality of the human environment. NEPA also establishes the Council on Environmental Quality (''CEQ''), which issued regulations implementing the procedural provisions of NEPA (see 40 CFR parts 1500–1508). Among other considerations, CEQ regulations at 40 CFR 1508.28 recommend the use of *tiering* from a ''broader environmental impact statement (such as a national program or policy statements) with subsequent narrower statements or environmental analysis (such as regional or basin wide statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared.''

Due to the geographic scope of FirstNet (all 50 states, the District of Columbia, and five territories) and the diversity of ecosystems potentially traversed by the project, FirstNet has elected to prepare five regional PEISs. The five PEISs are divided into the East, Central, West, South, and Non-Contiguous Regions. The Central Region consists of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, South Dakota, Utah, Wyoming, and Wisconsin. The Final PEIS analyzes potential impacts of the deployment and operation of the NPSBN on the natural and human environment in the Central Region, in accordance with FirstNet's responsibilities under NEPA.

Now that this PEIS has been completed and once a Record of Decision (ROD) has been signed, the proposed FirstNet projects can begin to submit the site-specific environmental documentation to determine if the proposed project has been adequately evaluated in the PEIS or whether it instead warrants a Categorical Exclusion, an Environmental Assessment, or an Environmental Impact Statement.

Dated: August 28, 2017.

Amanda Goebel Pereira,

NEPA Coordinator, First Responder Network Authority, Om.

[FR Doc. 2017–18534 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–60–P

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

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

FOR FURTHER INFORMATION CONTACT: Brenda E. Waters, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, telephone: (202) 482–4735.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspended investigation, an interested party, as defined in section 771(9) of the Tariff Act of 1930, as amended (the Act), may request, in accordance with 19 CFR 351.213, that the Department of Commerce (the Department) conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

All deadlines for the submission of comments or actions by the Department discussed below refer to the number of calendar days from the applicable starting date.

Respondent Selection

In the event the Department limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, the Department intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to release the CBP data under Administrative Protective Order (APO) to all parties having an APO within five days of publication of the initiation notice and to make our decision regarding respondent selection within 21 days of publication of the initiation **Federal Register** notice. Therefore, we encourage all parties interested in commenting on respondent selection to submit their APO applications on the date of publication of the initiation notice, or as soon thereafter as possible. The Department invites comments regarding the CBP data and respondent selection within five days of placement of the CBP data on the record of the review.

In the event the Department decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, the Department finds that determinations concerning whether particular companies should be ''collapsed'' (*i.e.,* treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, the Department will not conduct collapsing analyses at the respondent selection phase of a review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*i.e.,* investigation, administrative review, new shipper review or changed circumstances review). For any company subject to a review, if the Department determined, or continued to treat, that company as collapsed with others, the Department will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, the Department will not collapse companies for purposes of respondent selection.

Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete a Quantity and Value Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of a proceeding where the Department considered collapsing that entity, complete quantity and value data for that collapsed entity must be submitted.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that requests a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that the Department may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when the Department will exercise its discretion to extend this 90-day deadline, interested parties are advised that, with regard to reviews requested on the basis of anniversary months on or after September 2017, the Department does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance prevented it from submitting a timely withdrawal request. Determinations by the Department to extend the 90-day deadline will be made on a case-by-case basis.

The Department is providing this notice on its Web site, as well as in its ''Opportunity to Request Administrative Review'' notices, so that interested parties will be aware of the manner in which the Department intends to exercise its discretion in the future.

Opportunity To Request a Review: Not later than the last day of September 2017,[1] interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in September for the following periods:

	Period of review
Antidumping duty proceedings period of review	
BELARUS: Steel Concrete Reinforcing Bars, A–822–804	9/1/16–8/31/17
BRAZIL: Cold-Rolled Steel Flat Products, A–351–843	3/7/16–8/31/17
INDIA:	
Cold-Rolled Steel Flat Products, A–533–865	3/7/16–8/31/17
Lined Paper Products, A–533–843	9/1/16–8/31/17
Oil Country Tubular Goods, A–533–857	9/1/16–8/31/17
INDONESIA: Steel Concrete Reinforcing Bars, A–560–811	9/1/16–8/31/17
JAPAN: Stainless Steel Wire Rod, A–588–843	9/1/16–8/31/17
LATVIA: Stainless Concrete Reinforcing Bars, A–449–804	9/1/16–8/31/17
MEXICO:	
Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A–201–847	3/1/16–8/31/17
Magnesia Carbon Bricks, A–201–837	9/1/16–8/31/17
MOLDOVA: Steel Concrete Reinforcing Bars, A–841–804	9/1/16–8/31/17
POLAND: Steel Concrete Reinforcing Bars, A–455–803	9/1/16–8/31/17
REPUBLIC OF KOREA:	
Cold-Rolled Steel Flat Products, A–580–881	3/7/16–8/31/17
Heavy Walled Rectangular Welded Carbon Pipes and Tubes, A–580–880	3/1/16–8/31/17
Oil Country Tubular Goods, A–580–870	9/1/16–8/31/17
Stainless Steel Wire Rod, A–580–829	9/1/16–8/31/17
SOCIALIST REPUBLIC OF VIETNAM: Oil Country Tubular Goods, A–552–817	9/1/16–8/31/17
TAIWAN:	
Narrow Woven Ribbons with Woven Selvedge, A–583–844	9/1/16–8/31/17
Raw Flexible Magnets, A–583–842	9/1/16–8/31/17
Stainless Steel Wire Rod, A–583–828	9/1/16–8/31/17
THE PEOPLE'S REPUBLIC OF CHINA:	
Freshwater Crawfish Tailmeat, A–570–848	9/1/16–8/31/17
Foundry Coke, A–570–862	9/1/16–8/31/17
Kitchen Appliance Shelving and Racks, A–570–941	9/1/16–8/31/17
Lined Paper Products, A–570–901	9/1/16–8/31/17
Magnesia Carbon Bricks, A–570–954	9/1/16–8/31/17
Narrow Woven Ribbons with Woven Selvedge, A–570–952	9/1/16–8/31/17
New Pneumatic Off-The-Road Tires, A–570–912	9/1/16–8/31/17
Raw Flexible Magnets, A–570–922	9/1/16–8/31/17
Steel Concrete Reinforcing Bars, A–570–860	9/1/16–8/31/17
TURKEY:	
Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A–489–824	3/1/16–8/27/16 9/12/16–8/31/17
Oil Country Tubular Goods, A–489–816	9/1/16–8/31/17
UKRAINE:	
Solid Agricultural Grade Ammonium Nitrate, A–823–810	9/1/16–8/31/17
Steel Concrete Reinforcing Bars, A–823–809	9/1/16–8/31/17
UNITED KINGDOM: Cold-Rolled Steel Flat Products, A–412–824	3/7/16–8/31/17
Countervailing Duty Proceedings	
BRAZIL: Cold-Rolled Steel Flat Products, C–351–843	12/22/15–12/31/16

[1] Or the next business day, if the deadline falls on a weekend, federal holiday or any other day when the Department is closed.

	Period of review
INDIA:	
Cold-Rolled Steel Flat Products, C–533–866	9/16/16–12/31/16
Lined Paper Products, C–533–844	1/1/16–12/31/16
Oil Country Tubular Goods, C–533–858	1/1/16–12/31/16
REPUBLIC OF KOREA: Cold-Rolled Steel Flat Products, C–580–882	7/1/16–12/31/16
THE PEOPLE'S REPUBLIC OF CHINA:	
Kitchen Appliance Shelving and Racks, C–570–942	1/1/16–12/31/16
Magnesia Carbon Bricks, C–570–955	1/1/16–12/31/16
Narrow Woven Ribbons with Woven Selvedge, C–570–953	1/1/16–12/31/16
New Pneumatic Off-The-Road Tires, C–570–913	1/1/16–12/31/16
Raw Flexible Magnets, C–570–923	1/1/16–12/31/16
TURKEY:	
Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, C–489–825	12/28/15–4/25/16 9/12/16–12/31/16
Oil Country Tubular Goods, C–489–817	1/1/16–12/31/16
Suspension Agreements	
None.	

In accordance with 19 CFR 351.213(b), an interested party as defined by section 771(9) of the Act may request in writing that the Secretary conduct an administrative review. For both antidumping and countervailing duty reviews, the interested party must specify the individual producers or exporters covered by an antidumping finding or an antidumping or countervailing duty order or suspension agreement for which it is requesting a review. In addition, a domestic interested party or an interested party described in section 771(9)(B) of the Act must state why it desires the Secretary to review those particular producers or exporters. If the interested party intends for the Secretary to review sales of merchandise by an exporter (or a producer if that producer also exports merchandise from other suppliers) which was produced in more than one country of origin and each country of origin is subject to a separate order, then the interested party must state specifically, on an order-by-order basis, which exporter(s) the request is intended to cover.

Note that, for any party the Department was unable to locate in prior segments, the Department will not accept a request for an administrative review of that party absent new information as to the party's location. Moreover, if the interested party who files a request for review is unable to locate the producer or exporter for which it requested the review, the interested party must provide an explanation of the attempts it made to locate the producer or exporter at the same time it files its request for review, in order for the Secretary to determine if the interested party's attempts were reasonable, pursuant to 19 CFR 351.303(f)(3)(ii).

As explained in *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003), and *Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), the Department clarified its practice with respect to the collection of final antidumping duties on imports of merchandise where intermediate firms are involved. The public should be aware of this clarification in determining whether to request an administrative review of merchandise subject to antidumping findings and orders.[2]

The Department no longer considers the non-market economy (NME) entity as an exporter conditionally subject to an antidumping duty administrative reviews.[3] Accordingly, the NME entity will not be under review unless the Department specifically receives a request for, or self-initiates, a review of the NME entity.[4] In administrative reviews of antidumping duty orders on merchandise from NME countries where a review of the NME entity has not been initiated, but where an individual exporter for which a review was initiated does not qualify for a separate rate, the Department will issue a final decision indicating that the company in question is part of the NME entity. However, in that situation, because no review of the NME entity was conducted, the NME entity's entries were not subject to the review and the rate for the NME entity is not subject to change as a result of that review (although the rate for the individual exporter may change as a function of the finding that the exporter is part of the NME entity).

Following initiation of an antidumping administrative review when there is no review requested of the NME entity, the Department will instruct CBP to liquidate entries for all exporters not named in the initiation notice, including those that were suspended at the NME entity rate.

All requests must be filed electronically in Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS) on Enforcement and Compliance's ACCESS Web site at *http://access.trade.gov*.[5] Further, in accordance with 19 CFR 351.303(f)(l)(i), a copy of each request must be served on the petitioner and each exporter or producer specified in the request.

The Department will publish in the **Federal Register** a notice of ''Initiation of Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation'' for requests received by the last day of September 2017. If the Department does not receive, by the last day of September 2017, a request for review of entries covered by an order, finding, or suspended investigation listed in this notice and for the period identified above, the Department will instruct CBP to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or

[2] *See also* the Enforcement and Compliance Web site at *http://trade.gov/enforcement/.*

[3] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

[4] In accordance with 19 CFR 351.213(b)(1), parties should specify that they are requesting a review of entries from exporters comprising the entity, and to the extent possible, include the names of such exporters in their request.

[5] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011).

bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures ''gap'' period of the order, if such a gap period is applicable to the period of review.

This notice is not required by statute but is published as a service to the international trading community.

Dated: August 22, 2017.

James Maeder,

Senior Director perfoming the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–18585 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–862]

Foundry Coke Products From the People's Republic of China: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of this sunset review, the Department of Commerce (the Department) finds that revocation of the antidumping duty order on foundry coke products (foundry coke) from the People's Republic of China (PRC) would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable September 1, 2017.

FOR FURTHER INFORMATION CONTACT: Courtney Canales, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; Telephone: (202) 482–4997.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 2001, the Department published its final determination in the less-than-fair value investigation of foundry coke from the PRC.[1] On September 17, 2001, the Department published an amended final determination of sales at less-than-fair-value and the *AD Order* on foundry coke from the PRC.[2] On May 1, 2017, the Department published the notice of initiation of the third sunset review of the *AD Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (Act).[3] On May 10, 2017, the Department received a notice of intent to participate from: ABC Coke, Erie Coke, and Tonawanda Coke (collectively, the petitioners) within the deadline specified in 19 CFR 351.218(d)(1)(i).[4] ABC Coke, Erie Coke, and Tonawanda Coke claimed interested party status under section 771(9)(C) of the Act, as producers in the United States of a domestic like product. On May 31, 2017, the Department received a complete and adequate substantive response from the the petitioners within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] The Department received no substantive responses from respondent interested parties. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited sunset review of the *AD Order.*

Scope of the AD Order

The product covered under the antidumping duty order is coke larger than 100 mm (4 inches) in maximum diameter and at least 50 percent of which is retained on a 100 mm (4 inch) sieve, of a kind used in foundries. The foundry coke products subject to the antidumping duty order were classifiable under subheading 2704.00.00.10 (as of Jan 1, 2000) and are currently classifiable under subheading 2704.00.00.11 (as of July 1, 2000) of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and Customs purposes, our written description of the scope of the order is dispositive.[6]

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *AD Order* and the magnitude of the margins likely to prevail if the order were revoked, is provided in the Issues and Decision Memorandum, which is hereby adopted by this notice.[7] The appendix to this notice includes a list of the issues which the parties raised and to which the Department responded in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, room B0824 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed on the Internet at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to section 751(c)(1) and 752(c)(1) and (3) of the Act, the Department determines that revocation of the *AD Order* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 214.89 percent.

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective order,

[1] *See Final Determination or Sales at Less Than Fair Value: Foundry Coke Products from the People's Republic of China,* 66 FR 39487 (July 31, 2001) (LTFV Investigation Final).

[2] *See Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Foundry Coke Products from The People's Republic of China,* 66 FR 48025, (September 17, 2001) (*AD Order*).

[3] *See Initiation of Five-Year (Sunset) Review,* 82 FR 20314 (May 1, 2017).

[4] *See* Petitioners' May 10, 2017, submission.

[5] *See* Petitioners' submission ''*Re: Foundry Coke from China, Third Sunset Review: Substantive Response to Notice of Initiation of Sunset Review*'' (May 31, 2017).

[6] *See Foundry Coke Products from the People's Republic of China,* 77 **Federal Register** 34,012 (June 8, 2012).

[7] *See* Memorandum to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, from James Maeder, Senior Director performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, ''*Expedited Third Sunset Review of the Antidumping Duty Order on Foundry Coke Products from the People's Republic of China: Issues and Decision Memorandum,*'' dated concurrently with this notice (Issues and Decision Memorandum).

is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act, 19 CFR 351.218, and 19 CFR 351.221(c)(5)(ii).

Dated: August 28, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. History of the Order
V. Legal Framework
VI. Discussion of the Issues
1. Likelihood of Continuation or Recurrence of Dumping
2. Magnitude of the Margins Likely to Prevail
VII. Final Results of Sunset Review
VIII. Recommendation

[FR Doc. 2017–18587 Filed 8–31–17; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–861]

Certain Uncoated Groundwood Paper From Canada: Initiation of Less-Than-Fair-Value Investigation

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

DATES: Applicable September 1, 2017.

FOR FURTHER INFORMATION CONTACT: Maria Tatarska at (202) 482–1562, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On August 9, 2017, the U.S. Department of Commerce (the Department) received an antidumping duty (AD) Petition concerning imports of certain uncoated groundwood paper (UGW paper) from Canada, filed in proper form on behalf of North Pacific Paper Company (NORPAC, the petitioner).[1] The AD Petition was accompanied by a countervailing duty (CVD) Petition concerning imports of UGW paper from Canada. The petitioner is a domestic producer of UGW paper.[2]

On August 11, 2017, the Department requested supplemental information pertaining to certain areas of the Petition.[3] The petitioner filed responses to these requests on August 15, 2017.[4] On August 17, 2017, the Department contacted the petitioner regarding the proposed scope of the investigations.[5] The petitioner filed revised scope language on August 21, 2017.[6] As discussed below, on August 10, 2017, the Department issued polling questionnaires to all known U.S. producers of UGW paper. The Department received responses from all recipients of the polling questionnaires.

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that imports of UGW paper from Canada are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, the domestic industry producing UGW paper in the United States. Also, consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to the petitioner supporting its allegations.

The Department finds that the petitioner filed this Petition on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(C) of the Act. The Department also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the AD investigation that the petitioner is requesting.[7]

Period of Investigation

Because the Petition was filed on August 9, 2017, the period of investigation (POI) for this investigation is July 1, 2016, through June 30, 2017.

Scope of the Investigation

The product covered by this investigation is UGW paper from Canada. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation,'' in the Appendix to this notice.

Comments on Scope of the Investigation

During our review of the Petition, the Department issued questions to, and received responses from, the petitioner pertaining to the proposed scope to ensure that the scope language in the Petition would be an accurate reflection of the products for which the domestic industry is seeking relief.[8]

As discussed in the preamble to the Department's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[9] The Department will consider all comments received from interested parties and, if necessary, will consult with interested parties prior to the issuance of the preliminary determinations. If scope comments include factual information,[10] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on Monday, September 18, 2017, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on Thursday, September 28, 2017, which is 10 calendar days from the initial comments deadline.[11]

The Department requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period.

[1] *See* Letter from the petitioner ''Certain Uncoated Groundwood Paper from Canada—Petitions for the Imposition of Antidumping and Countervailing Duties,'' dated August 9, 2017 (the Petition).

[2] *See* Volume I of the Petition, at 1.

[3] *See* Letter to the petitioner from the Department, ''Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Uncoated Groundwood Paper from Canada: Supplemental Questions,'' dated August 11, 2017 (General Issues Supplemental Questionnaire); *see also* Letter from the Department, ''Petition for the Imposition of Antidumping Duties on Imports of Certain Uncoated Groundwood Paper from Canada: Supplemental Questions,'' dated August 11, 2017 (AD Supplemental Questionnaire).

[4] *See* ''Certain Uncoated Groundwood Paper from Canada/Responses to Supplemental Questions on the Injury Volume of the Petition,'' dated August 15, 2017 (General Issues Supplemental Response); *see also* ''Certain Uncoated Groundwood Paper from Canada/Petitioner's Responses to Supplemental Questions on the Antidumping Duty Volume of the Petition,'' dated August 15, 2017 (AD Supplemental Response).

[5] *See* Memorandum, ''Phone Call with Counsel to the Petitioner,'' dated August 17, 2017 (Scope Phone Call).

[6] *See* Letter to the Secretary of Commerce from the petitioner, ''Certain Uncoated Groundwood Paper from Canada/Further revisions to the Scope Language,'' dated August 21, 2017 (Scope Revision Letter).

[7] *See* the ''Determination of Industry Support for the Petition'' section, below.

[8] *See* General Issues Supplemental Questionnaire; *see also* General Issues Supplemental Response, Scope Phone Call, and Scope Revision Letter.

[9] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[10] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[11] *See* 19 CFR 351.303(b).

However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[12] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Comments on Product Characteristics for AD Questionnaires

The Department will provide interested parties an opportunity to comment on the appropriate physical characteristics of UGW paper to be reported in response to the Department's AD questionnaire. This information will be used to identify the key physical characteristics of the merchandise under consideration in order to report the relevant costs of production accurately as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, although there may be some physical product characteristics utilized by manufacturers to describe UGW paper, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaires, all product characteristics comments must be filed by 5:00 p.m. ET on September 18, 2017. Any rebuttal comments must be filed by 5:00 p.m. ET on September 28, 2017. All comments and submissions to the Department must be filed electronically using ACCESS, as explained above, on the record of this LTFV investigation.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[13] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[14]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation. Based on our analysis of the information submitted on the record, we have determined that UGW paper, as defined in the scope, constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[15]

Based on information provided in the Petition, the share of total estimated U.S. production of the domestic like product in calendar year 2016 represented by the petitioner did not account for more than 50 percent of the total production of the domestic like product. Therefore, in accordance with section 732(c)(4)(D) of the Act, we polled the industry.[16]

On August 10, 2017, we issued polling questionnaires to all known

[12] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011); *see also Enforcement and Compliance; Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[13] *See* section 771(10) of the Act.

[14] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[15] For a discussion of the domestic like product analysis as applied to this case, *see* Antidumping Duty Investigation Initiation Checklist: Certain Uncoated Groundwood Paper from Canada (AD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Petitions Covering Certain Uncoated Groundwood Paper from Canada (Attachment II). This checklist is dated concurrently with this notice and on file electronically via ACCESS. Access to documents filed via ACCESS is also available in the Central Records Unit (CRU), Room B8024 of the main Department of Commerce building.

[16] *Id.*

producers of UGW paper identified in the Petition.[17] We requested that each company complete the polling questionnaire and certify its response by the due date specified in the cover letter to the questionnaire.[18] On August 23, 2017, in consultations with the Department held with respect to the companion CVD petition on imports of UGW paper from Canada, the Government of Canada (GOC) provided comments on industry support.[19]

Section 732(c)(4)(B) of the Act states that (i) the Department ''shall disregard the position of domestic producers who oppose the petition if such producers are related to foreign producers, as defined in section 771(4)(B)(ii), unless such domestic producers demonstrate that their interests as domestic producers would be adversely affected by the imposition of an antidumping duty order;'' and (ii) the Department ''may disregard the position of domestic producers of a domestic like product who are importers of the subject merchandise.'' In addition, 19 CFR 351.203(e)(4) states that the position of a domestic producer that opposes the petition (i) will be disregarded if such producer is related to a foreign producer or to a foreign exporter under section 771(4)(B)(ii) of the Act, unless such domestic producer demonstrates to the Secretary's satisfaction that its interests as a domestic producer would be adversely affected by the imposition of an antidumping order; and (ii) may be disregarded if the producer is an importer of the subject merchandise or is related to such an importer under section 771(4)(B)(ii) of the Act.

We received objection to the Petition from those that produce domestic like product and are related to a foreign producer of subject merchandise and/or who imported subject merchandise from Canada. We have analyzed the information provided in the polling questionnaire responses and information provided in other submissions to the Department. Based on our analysis, we disregarded the position in opposition to the petition pursuant to section 732(c)(4)(B) of the Act. When the position in opposition to the petition is disregarded, the industry support requirements of section 732(c)(4)(A) of the Act are satisified.[20]

The data collected demonstrate that the domestic producers of UGW paper which support the Petition account for at least 25 percent of the total production of the domestic like product and, once the opposition is disregarded, account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[21] Therefore, the Department determines that the petitioner filed this Petition on behalf of the domestic industry in accordance with section 732(b)(1) of the Act because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the AD investigation that it is requesting the Department initiate.[22]

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (NV). In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[23]

The petitioner contends that the industry's injured condition is illustrated by a significant volume of subject imports and significant increase in the volume of subject imports relative to U.S. consumption; reduced market share; underselling and price suppression or depression; lost sales and revenues; adverse effects on production, capacity utilization, U.S. shipments, and employment; declines in financial performance; and capacity closures and conversions.[24] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[25]

Allegation of Sales at Less Than Fair Value

The following is a description of the allegation of sales at LTFV upon which the Department based its decision to initiate the AD investigation of imports of UGW paper from Canada. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the AD Initiation Checklist.

Export Price

The petitioner based the U.S. price on export price (EP) using pricing information related to UGW paper produced in, and exported from, Canada, and sold or offered for sale in the United States. This information was obtained from a confidential source.[26] Where applicable, the petitioner made deductions from U.S. price for movement expenses, consistent with the terms of sale.[27]

Normal Value

Petitioner based NV on pricing information relating to UGW paper produced in, and sold or offered for sale in Canada, that was obtained through confidential market research.[28] Where applicable, the petitioner made deductions for movement expenses, consistent with the terms of sale.[29]

Fair Value Comparisons

Based on the data provided by the petitioner, there is reason to believe that imports of UGW paper from Canada are being, or are likely to be, sold in the United States at LTFV. Based on comparisons of EP to NV in accordance with sections 772 and 773 of the Act, the estimated dumping margins for UGW paper from Canada covered by this initiation range from 23.45 percent to 54.97 percent.[30]

Initiation of Less-Than-Fair-Value Investigation

Based upon the examination of the Petition, we find that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether imports of UGW paper from Canada are being, or are likely to be, sold in the United States at LTFV. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary

[17] *See* Volume I of the Petition, at Exhibit I–5; *see also* Memorandum, ''Certain Uncoated Groundwood Paper from Canada: Polling Questionnaire,'' dated August 14, 2017.

[18] For a detailed discussion of the responses received, *see* AD Initiation Checklist, at Attachment II. The polling questionnaire and questionnaire responses are on file electronically via ACCESS and can also be accessed through the CRU.

[19] *See* Memorandum, ''Countervailing Duty Petition on Certain Uncoated Groundwood Paper from Canada: GOC Consultations,'' dated August 24, 2017; and letter from the GOC re: ''Uncoated Groundwood Paper from Canada: Submission of Consultations Paper,'' dated August 25, 2017. For a discussion of the GOC's comments, *see* the AD Initiation Checklist, at Attachment II.

[20] *See* AD Initiation Checklist, at Attachment II.

[21] *Id.*

[22] *Id.*

[23] *See* Volume I of the Petition, at 19 and Exhibit I–12.

[24] *Id.,* at 17–28, Exhibit I–3, Exhibit I–6, and Exhibits I–11 through I–17.

[25] *See* AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Uncoated Groundwood Paper from Canada.

[26] *See* Volume III of the Petition at Exhibits III–7 and III–8; and AD Initiation Checklist.

[27] *See* AD Initiation Checklist.

[28] *Id.*

[29] *Id.*

[30] *Id.*

determination no later than 140 days after the date of this initiation.

Under the Trade Preferences Extension Act of 2015, numerous amendments to the AD and CVD law were made.[31] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[32] The amendments to sections 771(15), 773, 776, and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to this AD investigation.[33]

Respondent Selection

The petitioner named eight companies in Canada as producers/exporters of UGW paper.[34] Following standard practice in AD investigations involving market economy countries, in the event the Department determines that the number of companies in Canada is large, the Department intends to review U.S. Customs and Border Protection (CBP) data for U.S. imports of UGW paper during the POI under the appropriate Harmonized Tariff Schedule of the United States subheadings, and if it determines that it cannot individually examine each company based upon the Department's resources, then the Department will select respondents based on those data. We intend to release the CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five business days of the announcement of the initiation of this investigation. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo.* Interested parties may submit comments regarding the CBP data and respondent selection by 5:00 p.m. ET three calendar days after publication. The Department will not accept rebuttal comments regarding the CBP data or respondent selection. Comments must be filed electronically using ACCESS. An electronically-filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET by the dates noted above. We intend to make our decision regarding respondent selection in this investigation within 20 days of publication of this notice.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petition have been provided to the GOC via ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of UGW paper from Canada are materially injuring or threatening material injury to a U.S. industry. A negative ITC determination will result in the investigation being terminated.[35] Otherwise, the investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). 19 CFR 351.301(b) requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [36] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[37] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[38] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[39] The Department intends to reject factual

[31] *See* Trade Preferences Extension Act of 2015, Pub. L. 114–27, 129 Stat. 362 (2015).

[32] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015).

[33] *Id.* at 46794–95. The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[34] *See* Volume I of the Petition at Exhibit I–9.

[35] *See* section 733(a) of the Act.

[36] *See* 19 CFR 351.301(b).

[37] *See* 19 CFR 351.301(b)(2).

[38] *See* section 782(b) of the Act.

[39] *See Certification of Factual Information to Import Administration during Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

submissions if the submitting party does not comply with applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 732(c)(2) and 777(i) of the Act, and 19 CFR 351.203(c).

Dated: August 29, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—Scope of the Investigation

The merchandise covered by this investigation includes certain paper that has not been coated on either side and with 50 percent or more of the cellulose fiber content consisting of groundwood pulp, including groundwood pulp made from recycled paper, weighing not more than 90 grams per square meter. Groundwood pulp includes all forms of pulp produced from a mechanical pulping process, such as thermo-mechanical process (TMP), chemi-thermo mechanical process (CTMP), bleached chemi-thermo mechanical process (BCTMP) or any other mechanical pulping process. The scope includes paper shipped in any form, including but not limited to both rolls and sheets.

Certain uncoated groundwood paper includes but is not limited to standard newsprint, high bright newsprint, book publishing, directory, and printing and writing papers. The scope includes paper that is white, off-white, cream, or colored.

Specifically excluded from the scope are imports of certain uncoated groundwood paper printed with final content of printed text or graphic. Also excluded are papers that otherwise meet this definition, but which have undergone a supercalendering process.[40]

Certain uncoated groundwood paper is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) in several subheadings, including 4801.00.0120, 4801.00.0140, 4802.61.1000, 4802.61.2000, 4802.61.3110, 4802.61.3191, 4802.61.6040, 4802.62.1000, 4802.62.2000, 4802.62.3000, 4802.62.6140, 4802.69.1000, 4802.69.2000, and 4802.69.3000. Subject merchandise may also be imported under several additional subheadings including 4805.91.5000, 4805.91.7000, and 4805.91.9000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

[40] Supercalendering imparts a glossy finish produced by the movement of the paper web through a supercalender which is a stack of alternating rollers of metal and cotton (or other softer material). The supercalender runs at high speed and applies pressure, heat, and friction which glazes the surface of the paper, imparting gloss to the surface and increasing the paper's smoothness and density.

[FR Doc. 2017–18726 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–862]

Certain Uncoated Groundwood Paper From Canada: Initiation of Countervailing Duty Investigation

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

DATES: Applicable September 1, 2017.

FOR FURTHER INFORMATION CONTACT: David Crespo at (202) 482–3693, or Whitley Herndon at (202) 482–6274, Office II, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

The Petition

On August 9, 2017, the U.S. Department of Commerce (the Department) received a countervailing duty (CVD) Petition concerning imports of certain uncoated groundwood paper (UGW paper) from Canada, filed in proper form on behalf of North Pacific Paper Company (NORPAC, or the petitioner).[1] The CVD Petition was accompanied by an antidumping duty (AD) Petition concerning imports of UGW paper from Canada. The petitioner is a domestic producer of UGW paper.[2]

On August 11 and 14, 2017, the Department requested supplemental information pertaining to certain areas of the Petition.[3] The petitioner filed responses to these requests on August 15 and 16, 2017.[4] On August 17, 2017, the Department contacted the petitioner regarding the proposed scope of the investigations.[5] The petitioner filed revised scope language on August 21, 2017.[6] As discussed below, on August 10, 2017, the Department issued polling questionnaires to all known U.S. producers of UGW paper. The Department received responses from all recipients of the polling questionnaires.

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the Act), the petitioner alleges that the Government of Canada (GOC) and the provincial governments of Alberta (GOA), British Colombia (GBS), Newfoundland and Labrador (GNL), Ontario (GOO), Quebec (GOQ), and New Brunswick (GNB) are providing countervailable subsidies, within the meaning of sections 701 and 771(5) of the Act, to imports of UGW paper from Canada and that such imports are materially injuring, or threatening material injury to, the domestic industry producing UGW paper in the United States. Also, consistent with section 702(b)(1) of the Act, for those alleged programs on which we are initiating a CVD investigation, the Petition is accompanied by information reasonably available to the petitioner supporting its allegations.

The Department finds that the petitioner filed this Petition on behalf of the domestic industry because the petitioner is an interested party as defined in section 771(9)(C) of the Act. The Department also finds that the petitioner demonstrated sufficient industry support with respect to the initiation of the CVD investigation that the petitioner is requesting.[7]

Period of Investigation

Because the Petition was filed on August 9, 2017, the period of investigation (POI) is January 1, 2016, through December 31, 2016.

[1] *See* Letter from the petitioner re: ''Petitions for the Imposition of Antidumping and Countervailing Duties on Uncoated Groundwood Paper from Canada,'' dated August 9, 2017 (the Petition).

[2] *Id.,* Volume I of the Petition, at 1.

[3] *See* Department Letter re: Petitions for the Imposition of Antidumping and Countervailing Duties on Imports of Certain Uncoated Groundwood Paper from Canada: Supplemental Questions, dated August 11, 2017 (General Issues Supplemental Questionnaire); *see also* Department Letter re: Petition for the Imposition of Countervailing Duties on Imports of Certain Uncoated Groundwood Paper from Canada, dated August 14, 2017.

[4] See Letter from the petitioner re: Certain Uncoated Groundwood Paper from Canada/ Responses to Supplemental Questions on the Injury Volume of the Petitions, dated August 15, 2017 (General Issues Supplemental Response); *see also* Letter from the petitioner re: Certain Uncoated Groundwood Paper from Canada/Petitioner's Responses to Supplemental Questions on the Countervailing Duty Volume of the Petition, dated August 16, 2017 (CVD Supplement).

[5] *See* Memorandum, ''Phone Call with Counsel to the Petitioner,'' dated August 17, 2017 (Scope Phone Call).

[6] *See* Letter from the petitioner re: Certain Uncoated Groundwood Paper from Canada/Further Revisions to The Scope Language, dated August 21, 2017 (Scope Revision Letter).

[7] *See* the ''Determination of Industry Support for the Petition'' section, below.

Scope of the Investigation

The product covered by this investigation is UGW paper from Canada. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation,'' in the Appendix to this notice.

Comments on Scope of the Investigation

During our review of the Petition, the Department issued questions to, and received responses from, the petitioner pertaining to the proposed scope to ensure that the scope language in the Petition would be an accurate reflection of the products for which the domestic industry is seeking relief.[8]

As discussed in the preamble to the Department's regulations, we are setting aside a period for interested parties to raise issues regarding product coverage (scope).[9] The Department will consider all comments received from interested parties and, if necessary, will consult with the interested parties prior to the issuance of the preliminary determination. If scope comments include factual information,[10] all such factual information should be limited to public information. To facilitate preparation of its questionnaires, the Department requests all interested parties to submit such comments by 5:00 p.m. Eastern Time (ET) on Monday, September 18, 2017, which is 20 calendar days from the signature date of this notice. Any rebuttal comments, which may include factual information, must be filed by 5:00 p.m. ET on Thursday, September 28, 2017, which is 10 calendar days from the initial comments deadline.[11]

The Department requests that any factual information the parties consider relevant to the scope of the investigation be submitted during this time period. However, if a party subsequently finds that additional factual information pertaining to the scope of the investigation may be relevant, the party may contact the Department and request permission to submit the additional information. All such comments must be filed on the records of the concurrent AD and CVD investigations.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping Duty and Countervailing Duty Centralized Electronic Service System (ACCESS).[12] An electronically filed document must be received successfully in its entirety by the time and date it is due. Documents exempted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with Enforcement and Compliance's APO/Dockets Unit, Room 18022, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the applicable deadlines.

Consultations

Pursuant to sections 702(b)(4)(A)(i) and (ii) of the Act, the Department notified representatives of the GOC of the receipt of the Petition, and provided them the opportunity for consultations with respect to the CVD Petition.[13] Consultations with the GOC were held at the Department of Commerce on August 23, 2017.[14]

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the ''industry.''

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The International Trade Commission (ITC), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[15] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[16]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the Petition).

With regard to the domestic like product, the petitioner does not offer a definition of the domestic like product distinct from the scope of the investigation. Based on our analysis of the information submitted on the record, we have determined that UGW paper, as defined in the scope, constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[17]

[8] *See* General Issues Supplemental Questionnaire; *see also* General Issues Supplemental Response, and Scope Revision Letter.

[9] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[10] *See* 19 CFR 351.102(b)(21) (defining ''factual information'').

[11] *See* 19 CFR 351.303(b).

[12] *See Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures,* 76 FR 39263 (July 6, 2011), *see also Enforcement and Compliance: Change of Electronic Filing System Name,* 79 FR 69046 (November 20, 2014) for details of the Department's electronic filing requirements, which went into effect on August 5, 2011. Information on help using ACCESS can be found at *https://access.trade.gov/help.aspx,* and a handbook can be found at *https://access.trade.gov/help/Handbook%20on%20Electronic%20Filling%20Procedures.pdf.*

[13] *See* Letter to the Embassy of Canada re: Uncoated Groundwood Paper from Canada: Invitation for Consultations to Discuss the Countervailing Duty Petition, dated August 10, 2017.

[14] *See* Memorandum, ''Countervailing Duty Petition on Certain Uncoated Groundwood Paper from Canada: GOC Consultations,'' dated August 24, 2017.

[15] *See* section 771(10) of the Act.

[16] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[17] For a discussion of the domestic like product analysis as applied to this case, *see* Countervailing Duty Investigation Initiation Checklist: Certain Uncoated Groundwood Paper from Canada (CVD Initiation Checklist), at Attachment II, Analysis of Industry Support for the Petitions Covering Certain Uncoated Groundwood Paper from Canada (Attachment II). This checklist is dated concurrently with this notice and on file electronically via ACCESS. Access to documents

Based on information provided in the Petition, the share of total estimated U.S. production of the domestic like product in calendar year 2016 represented by the petitioner did not account for more than 50 percent of the total production of the domestic like product. Therefore, in accordance with section 702(c)(4)(D) of the Act, we polled the industry.[18]

On August 10, 2017, we issued polling questionnaires to all known producers of UGW paper, identified in the Petition.[19] We requested that each company complete the polling questionnaire and certify its response by the due date specified in the cover letter to the questionnaire.[20] On August 23, 2017, in consultations with the Department held with respect to the CVD Petition, the GOC provided comments on industry support.[21]

Section 702(c)(4)(B) of the Act states that (i) the Department ''shall disregard the position of domestic producers who oppose the petition if such producers are related to foreign producers, as defined in section 771(4)(B)(ii), unless such domestic producers demonstrate that their interests as domestic producers would be adversely affected by the imposition of an antidumping duty order;'' and (ii) the Department ''may disregard the position of domestic producers of a domestic like product who are importers of the subject merchandise.'' In addition, 19 CFR 351.203(e)(4) states that the position of a domestic producer that opposes the petition (i) will be disregarded if such producer is related to a foreign producer or to a foreign exporter under section 771(4)(B)(ii) of the Act, unless such domestic producer demonstrates to the Secretary's satisfaction that its interests as a domestic producer would be adversely affected by the imposition of an antidumping order; and (ii) may be disregarded if the producer is an importer of the subject merchandise or is related to such an importer under section 771(4)(B)(ii) of the Act.

We received objection to the Petition from those that produce domestic like product and are related to a foreign producer of subject merchandise and/or who imported subject merchandise from Canada. We have analyzed the information provided in the polling questionnaire responses and information provided in other submissions to the Department. Based on our analysis, we disregarded the opposition pursuant to section 702(c)(4)(B) of the Act. When the position in opposition to the petition is disregarded, the industry support requirements of section 702(c)(4)(A) of the Act are satisfied.[22]

The data collected demonstrate that the domestic producers of UGW paper which support the Petition account for at least 25 percent of the total production of the domestic like product and, once the opposition is disregarded, account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition.[23] Therefore, the Department determines that the petitioner filed this Petition on behalf of the domestic industry in accordance with section 702(b)(1) of the Act because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the CVD investigation that it is requesting the Department initiate.[24]

Injury Test

Because Canada is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from Canada materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

The petitioner alleges that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. In addition, the petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[25]

The petitioner contends that the industry's injured condition is illustrated by a significant volume of subject imports and significant increase in the volume of subject imports relative to U.S. consumption; reduced market share; underselling and price suppression or depression; lost sales and revenues; adverse effects on production, capacity utilization, U.S. shipments, and employment; declines in financial performance; and capacity closures and conversions.[26] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[27]

Initiation of CVD Investigation

Based on the examination of the CVD Petition, we find that the Petition meets the requirements of section 702 of the Act. Therefore we are initiating a CVD investigation to determine whether imports of UGW paper from Canada benefit from countervailable subsidies conferred by the government of Canada. In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Under the Trade Preferences Extension Act of 2015, numerous amendments to the AD and CVD laws were made.[28] The 2015 law does not specify dates of application for those amendments. On August 6, 2015, the Department published an interpretative rule, in which it announced the applicability dates for each amendment to the Act, except for amendments contained in section 771(7) of the Act, which relate to determinations of material injury by the ITC.[29] The amendments to sections 776 and 782 of the Act are applicable to all determinations made on or after August 6, 2015, and, therefore, apply to this CVD investigation.[30]

filed via ACCESS is also available in the Central Records Unit (CRU), Room B8024 of the main Department of Commerce building.

[18] *Id.*

[19] *See* Volume I of the Petition, at Exhibit I–8; *see also* Memorandum, ''Certain Uncoated Groundwood Paper from Canada: Polling Questionnaire,'' dated August 14, 2017.

[20] For a detailed discussion of the responses received, *see* CVD Initiation Checklist, at Attachment II. The polling questionnaire and questionnaire responses are on file electronically via ACCESS and can also be accessed through the CRU.

[21] *See* Memorandum, ''Countervailing Duty Petition on Certain Uncoated Groundwood Paper from Canada: GOC Consultations,'' dated August 24, 2017; and letter from the GOC re: ''Uncoated Groundwood Paper from Canada: Submission of Consultations Paper,'' dated August 25, 2017. For a discussion of the GOC's comments, *see* the AD Initiation Checklist, at Attachment II.

[22] *See* CVD Initiation Checklist, at Attachment II.

[23] *Id.*

[24] *Id.*

[25] *See* Volume I of the Petition, at 19 and Exhibit I–12.

[26] *See* Volume I of the Petition, at 17–28, Exhibit I–3, Exhibit I–6, and Exhibits I–11 through I–17.

[27] *See* CVD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Antidumping and Countervailing Duty Petitions Covering Certain Uncoated Groundwood Paper from Canada.

[28] *See* Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

[29] *See Dates of Application of Amendments to the Antidumping and Countervailing Duty Laws Made by the Trade Preferences Extension Act of 2015,* 80 FR 46793 (August 6, 2015) (*Applicability Notice*). The 2015 amendments may be found at *https://www.congress.gov/bill/114th-congress/house-bill/1295/text/pl.*

[30] *See Applicability Notice,* 80 FR at 46794–95.

Subsidy Allegations

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation on 63 of the 65 alleged programs. For a full discussion of the basis for our decision to initiate, or not initiate, on each program, *see* the CVD Initiation Checklist. A public version of the initiation checklist for this investigation is available on ACCESS.

In accordance with section 703(b)(1) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will make our preliminary determination no later than 65 days after the date of this initiation.

Respondent Selection

The petitioner named seven companies as producers/exporters of UGW paper in Canada.[31] Following standard practice in CVD investigations, in the event the Department determines that the number of companies is large, the Department intends to review U.S. Customs and Border Protection (CBP) data for U.S. imports of UGW paper during the POI under the appropriate Harmonized Tariff Schedule of the United States subheadings, and if it determines that it cannot individually examine each company based upon the Department's resources, then the Department will select respondents based on those data. We intend to release CBP data under Administrative Protective Order (APO) to all parties with access to information protected by APO within five business days of the announcement of the initiation of this investigation. Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo.*

Interested parties may submit comments regarding the CBP data and respondent selection by 5:00 p.m. ET three calendar days after publication. The Department will not accept rebuttal comments regarding the CBP data or respondent selection.

Comments must be filed electronically using ACCESS. An electronically filed document must be received successfully, in its entirety, by ACCESS no later than 5:00 p.m. ET on the date noted above. If respondent selection is necessary, within 20 days of publication of this notice, we intend to make our decision regarding respondent selection based upon comments received from interested parties and our analysis of the record information.

[31] *See* Volume I of the Petition at Exhibit I–9.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), copies of the public version of the Petition have been provided to the GOC *via* ACCESS. To the extent practicable, we will attempt to provide a copy of the public version of the Petition to each exporter named in the Petition, as provided under 19 CFR 351.203(c)(2).

ITC Notification

We will notify the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of UGW paper from Canada are materially injuring, or threatening material injury to, a U.S. industry. A negative ITC determination will result in the investigation being terminated.[32] Otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

Factual information is defined in 19 CFR 351.102(b)(21) as: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). 19 CFR 351.301(b) requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted [33] and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct.[34] Time limits for the submission of factual information are addressed in 19 CFR 351.301, which provides specific time limits based on the type of factual information being submitted. Interested parties should review the regulations prior to submitting factual information in this investigation.

[32] *See* section 733(a) of the Act.

[33] *See* 19 CFR 351.301(b).

[34] *See* 19 CFR 351.301(b)(2).

Extensions of Time Limits

Parties may request an extension of time limits before the expiration of a time limit established under 19 CFR 351.301, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the expiration of the time limit established under 19 CFR 351.301 expires. For submissions that are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. ET on the due date. Under certain circumstances, we may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, we will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. An extension request must be made in a separate, stand-alone submission; under limited circumstances we will grant untimely-filed requests for the extension of time limits. Parties should review *Extension of Time Limits; Final Rule,* 78 FR 57790 (September 20, 2013), available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this investigation.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[35] Parties are hereby reminded that revised certification requirements are in effect for company/government officials, as well as their representatives. Investigations initiated on the basis of petitions filed on or after August 16, 2013, and other segments of any AD or CVD proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule.*[36] The Department intends to reject factual submissions if the submitting party does not comply with the applicable revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305. On

[35] *See* section 782(b) of the Act.

[36] *See Certification of Factual Information to Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* frequently asked questions regarding the *Final Rule,* available at *http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.*

January 22, 2008, the Department published *Antidumping and Countervailing Duty Proceedings: Documents Submission Procedures; APO Procedures,* 73 FR 3634 (January 22, 2008). Parties wishing to participate in this investigation should ensure that they meet the requirements of these procedures (*e.g.,* the filing of letters of appearance as discussed at 19 CFR 351.103(d)).

This notice is issued and published pursuant to sections 702(c)(2) and 777(i) of the Act and 19 CFR 351.203(c).

Dated: August 29, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Investigation

The merchandise covered by this investigation includes certain paper that has not been coated on either side and with 50 percent or more of the cellulose fiber content consisting of groundwood pulp, including groundwood pulp made from recycled paper, weighing not more than 90 grams per square meter. Groundwood pulp includes all forms of pulp produced from a mechanical pulping process, such as thermo-mechanical process (TMP), chemi-thermo mechanical process (CTMP), bleached chemi-thermo mechanical process (BCTMP) or any other mechanical pulping process. The scope includes paper shipped in any form, including but not limited to both rolls and sheets.

Certain uncoated groundwood paper includes but is not limited to standard newsprint, high bright newsprint, book publishing, directory, and printing and writing papers. The scope includes paper that is white, off-white, cream, or colored.

Specifically excluded from the scope are imports of certain uncoated groundwood paper printed with final content of printed text or graphic. Also excluded are papers that otherwise meet this definition, but which have undergone a supercalendering process.[37]

Certain uncoated groundwood paper is classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) in several subheadings, including 4801.00.0120, 4801.00.0140, 4802.61.1000, 4802.61.2000, 4802.61.3110, 4802.61.3191, 4802.61.6040, 4802.62.1000, 4802.62.2000, 4802.62.3000, 4802.62.6140, 4802.69.1000, 4802.69.2000, and 4802.69.3000. Subject merchandise may also be imported under several additional subheadings including 4805.91.5000, 4805.91.7000, and 4805.91.9000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

[37] Supercalendering imparts a glossy finish produced by the movement of the paper web through a supercalender which is a stack of alternating rollers of metal and cotton (or other softer material). The supercalender runs at high speed and applies pressure, heat, and friction which glazes the surface of the paper, imparting gloss to the surface and increasing the paper's smoothness and density.

[FR Doc. 2017–18727 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–977]

High Pressure Steel Cylinders From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order

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

SUMMARY: As a result of this sunset review, the Department of Commerce (the Department) finds that revocation of the antidumping duty order on certain high pressure steel cylinders (HPSCs) from the People's Republic of China (PRC) would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: Applicable August 28, 2017.

FOR FURTHER INFORMATION CONTACT: Kenneth Hawkins, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–6491.

SUPPLEMENTARY INFORMATION:

Background

On June 21, 2012, the Department of Commerce (Department) published the notice of the antidumping duty order on high pressure steel cylinders from the PRC.[1] On April 3, 2017, the Department published the notice of initiation of the first sunset review of the *AD Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (Act).[2] On May 8, 2017, the Department received a notice of intent to participate from one domestic interested party: Norris Cylinder Company (the petitioner) within the deadline specified in 19 CFR 351.218(d)(1).[3] The petitioner claimed interested party status under section 771(9)(C) of the Act, as a manufacturer in the United States of a domestic like product. On May 25, 2017, the petitioner filed its Substantive Response in the sunset review within the 30-day deadline, as specified in 19 CFR 351.218(d)(3).[4] The Department received no substantive responses from respondent interested parties. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department conducted an expedited sunset review of the *AD Order.*

Scope of the Order

The merchandise covered by the *Order* is seamless steel cylinders designed for storage or transport of compressed or liquefied gas (high pressure steel cylinders). High pressure steel cylinders are fabricated of chrome alloy steel including, but not limited to, chromium-molybdenum steel or chromium magnesium steel, and have permanently impressed into the steel, either before or after importation, the symbol of a U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration (DOT)-approved high pressure steel cylinder manufacturer, as well as an approved DOT type marking of DOT 3A, 3AX, 3AA, 3AAX, 3B, 3E, 3HT, 3T, or DOT–E (followed by a specific exemption number) in accordance with the requirements of sections 178.36 through 178.68 of Title 49 of the Code of Federal Regulations, or any subsequent amendments thereof. High pressure steel cylinders covered by the *Order* have a water capacity up to 450 liters, and a gas capacity ranging from 8 to 702 cubic feet, regardless of corresponding service pressure levels and regardless of physical dimensions, finish or coatings.

Excluded from the scope of the *Order* are high pressure steel cylinders manufactured to UN–ISO–9809–1 and 2 specifications and permanently impressed with ISO or UN symbols. Also excluded from the *Order* are acetylene cylinders, with or without internal porous mass, and permanently impressed with 8A or 8AL in accordance with DOT regulations.

Merchandise covered by the *Order* is classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheading 7311.00.00.30. Subject merchandise may also enter under HTSUS subheadings 7311.00.00.60 or 7311.00.00.90.

[1] *See High Pressure Steel Cylinders from the People's Republic of China: Antidumping Duty Order,* 77 FR 37377 (June 21, 2012) (*AD Order*).

[2] *See Initiation of Five-Year (Sunset) Review,* 82 FR 20314 (May 1, 2017).

[3] *See* High Pressure Steel Cylinders from the People's Republic of China; Notice of Appearance and of Intent to Participate on Behalf of the petitioner, Norris Cylinder Company in Sunset Review of Antidumping Duty Order (May 8, 2017).

[4] *See* Letter to the Secretary from the petitioner, High Pressure Steel Cylinders from the People's Republic of China' Substantive Response to Notice of Initiation of Norris Cylinder Company (May 25, 2017) (Substantive Response).

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise under the *Order* is dispositive.

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, including the likelihood of continuation or recurrence of dumping in the event of revocation of the *AD Order* and the magnitude of the margins likely to prevail if the *AD Order* were revoked, is provided in the Issues and Decision Memorandum, which is hereby adopted by this notice.[5] A list of topics included in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and to all parties in the Central Records Unit, room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed on the Internet at *http://enforcement.trade.gov/frn/*. The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to section 751(c)(1) and 752(c)(1) and (3) of the Act, the Department determines that revocation of the *AD Order* would be likely to lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 31.21 percent.

Notification to Interested Parties

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing these results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

Dated: August 28, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the *Order*
IV. History of the *Order*
V. Discussion of the Issues
  1. Likelihood of Continuation or Recurrence of Dumping
  2. Magnitude of the Margins Likely to Prevail
VI. Final Results of Sunset Review
VII. Recommendation

[FR Doc. 2017–18590 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–DS–P

[5] *See* Issues and Decision Memorandum.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–827]

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

DATES: Applicable September 1, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Kolberg, Office I, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–1785.

SUPPLEMENTARY INFORMATION:

Background

On December 28, 1994, the Department published the AD order on certain cased pencils from the PRC.[1] On June 1, 2016, the Department published the notice of initiation of the fourth sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] As a result of its review, the Department determined that revocation of the *Order* would likely lead to a continuation or recurrence of dumping.[3] The Department, therefore, notified the ITC of the magnitude of the margins likely to prevail should the *Order* be revoked. On August 17, 2017, the ITC determined that revoking the *Order* on certain cased pencils from the PRC would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[4]

Scope of the Order

Imports covered by the *Order* are shipments of certain cased pencils of any shape or dimension (except as described below) which are writing and/or drawing instruments that feature cores of graphite or other materials, encased in wood and/or man-made materials, whether or not decorated and whether or not tipped (*e.g.,* with erasers, etc.) in any fashion, and either sharpened or unsharpened. The pencils subject to the *Order* are currently classifiable under subheading 9609.10.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Specifically excluded from the scope of the *Order* are mechanical pencils, cosmetic pencils, pens, non-cased crayons (wax), pastels, charcoals, chalks, and pencils produced under U.S. patent number 6,217,242, from paper infused with scents by the means covered in the above-referenced patent, thereby having odors distinct from those that may emanate from pencils lacking the scent infusion. Also excluded from the scope of the *Order* are pencils with all of the following physical characteristics: (1) Length: 13.5 or more inches; (2) sheath diameter: Not less than one-and-one quarter inches at any point (before sharpening); and (3) core length: Not more than 15 percent of the length of the pencil. In addition, pencils with all of the following physical

[1] *See Antidumping Duty Order: Certain Cased Pencils from the People's Republic of China,* 59 FR 66909 (December 28, 1994) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Review,* 81 FR 34974 (June 1, 2016).

[3] *See Certain Cased Pencils from the People's Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Order,* 81 FR 69513 (October 6, 2016), and accompanying Issues and Decision Memorandum.

[4] *See Cased Pencils from China,* Inv. No. 731–TA–669 (Fourth Review), 82 FR 40019 (August 23, 2017).

characteristics are excluded from the scope of the *Order:* Novelty jumbo pencils that are octagonal in shape, approximately ten inches long, one inch in diameter before sharpening, and three-and-one eighth inches in circumference, composed of turned wood encasing one-and-one half inches of sharpened lead on one end and a rubber eraser on the other end. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the merchandise covered by the scope of the *Order* is dispositive.

Continuation of the Order

As a result of the determinations by the Department and the ITC that revocation of the *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 and 19 CFR 351.218(a), the Department hereby orders the continuation of the *Order* on certain cased pencils from the PRC. 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 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 and 19 CFR 351.218(f)(4).

Dated: August 28, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–18588 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–857]

Certain Softwood Lumber Products From Canada: Postponement of Final Determination of Less-Than-Fair-Value Investigation and Extension of Provisional Measures

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

SUMMARY: The Department of Commerce (the Department) is postponing until November 13, 2017, the deadline for issuing the final determination in the less-than-fair-value (LTFV) investigation of certain softwood lumber products (softwood lumber) from Canada, and is extending the provisional measures from a four-month period to a period of not more than six months. As the deadline for the final determination of the countervailing duty (CVD) investigation of softwood lumber from Canada is aligned with the deadline for the final determination of the LTFV investigation, the final CVD determination will also be issued no later than November 13, 2017.

DATES: Applicable September 1, 2017.

FOR FURTHER INFORMATION CONTACT: Stephen Bailey, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0193.

SUPPLEMENTARY INFORMATION:

Background

On April 28, 2017, and June 30, 2017, respectively, the Department published its preliminary determinations in the CVD and LTFV investigations of softwood lumber from Canada.[1] In the *CVD Preliminary Determination,* at the request of the petitioner,[2] the Department aligned the final deadline for the CVD investigation with the final determination of the LTFV investigation.[3]

On May 26, 2017, and June 26, 2017, Canfor Corporation (Canfor), Resolute FP Canada Inc. (Resolute), Tolko Marketing and Sales Ltd. and Tolko Industries Ltd. (Tolko), and West Fraser Mills Ltd., (West Fraser) (collectively, the Company Respondents), requested that the Department fully extend the deadline for the final LTFV determination, and extend the application of the provisional measures from a four-month period to a period of not more than six months.[4]

Postponement of Final LTFV Determination and Aligned Final CVD Determination

Given the complexity of these investigations and the volume of information on the records of these proceedings that needs to be analyzed, the Department finds that postponement is warranted in the LTFV investigation and the aligned CVD investigation covering softwood lumber from Canada. Further, because of the ongoing discussions between the Governments of the United States and Canada focusing on a durable solution to this long-standing trade dispute, postponement of these aligned investigations is also warranted. This additional time will afford the Department the time to both address the factual and legal matters on the records of these proceedings, as well as continue discussions on this broader cross-border trade dispute.

Therefore, pursuant to 735(a)(2)(A) of the Tariff Act of 1930, as amended, the Department is (1) postponing the LTFV final determination until no later than November 13, 2017, which is 135 days after the date of the publication of the *LTFV Preliminary Determination,* and (2) extending the provisional measures from a four-month period to a period of not more than six months. Further, as noted above, because the CVD investigation is aligned with the LTFV investigation, the Department will also issue its final determination in the CVD investigation no later than November 13, 2017.[5]

This notice is issued and published pursuant to 19 CFR 351.210(g).

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[1] *See Certain Softwood Lumber Products from Canada: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 82 FR 19657 (April 28, 2017) (*CVD Preliminary Determination*) and *Certain Softwood Lumber Products from Canada: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 82 FR 29833 (June 30, 2017) (*LTFV Preliminary Determination*).

[2] The Committee Overseeing Action for Lumber International Trade Investigations or Negotiations (the petitioner).

[3] *See CVD Preliminary Determination,* 82 FR at 19657–19658.

[4] *See* Letters from Canfor, Resolute, Tolko, and West Fraser dated May 26, 2017, June 26, 2017, May 26, 2017, and May 26, 2017, respectively.

[5] Postponing the final determinations to 135 days after the publication of the *LTFV Preliminary Determination* would place the deadline on Sunday, November 12, 2017. The Department's practice dictates that where a deadline falls on a weekend or federal holiday, the appropriate deadline is the next business day. *See Notice of Clarification: Application of* ''*Next Business Day*'' *Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

Dated: August 28, 2017.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, Performing the Non-Exclusive Functions and Duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2017–18643 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–602–807, A–351–842, A–570–022, C–570–023, A–560–828, C–560–829, A–471–807]

Certain Uncoated Paper From Australia, Brazil, the People's Republic of China, Indonesia, and Portugal: Affirmative Final Determination of Circumvention of the Antidumping and Countervailing Duty Orders

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

DATES: Applicable September 1, 2017.

SUMMARY: The Department of Commerce (Department) determines that imports of uncoated paper with a GE brightness of 83 ±1% (83 Bright paper), otherwise meeting the description of in-scope merchandise, from Australia, Brazil, the People's Republic of China, Indonesia, and Portugal constitute merchandise ''altered in form or appearance in minor respects'' from in-scope merchandise are subject to the antidumping duty (AD) and countervailing duty (CVD) orders on certain uncoated paper (uncoated paper).

FOR FURTHER INFORMATION CONTACT: William Miller at (202) 482–3906, AD/CVD Operations, Enforcement and Compliance, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On June 9, 2017, the Department published the *Preliminary Determination* of the anti-circumvention inquiry of 83 Bright paper from Australia, Brazil, the People's Republic of China, Indonesia, and Portugal.[1] A summary of the events that occurred since the Department published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum which is hereby adopted by this notice.[2]

Scope of the Orders

The merchandise covered by the *Orders*[3] is uncoated paper. Uncoated paper subject to the *Orders* is currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) at subheadings 4802.56.1000, 4802.56.2000, 4802.56.3000, 4802.56.4000, 4802.56.6000, 4802.56.7020, 4802.56.7040, 4802.57.1000, 4802.57.2000, 4802.57.3000, and 4802.57.4000. Some imports of subject merchandise may also be classified under 4802.62.1000, 4802.62.2000, 4802.62.3000, 4802.62.5000, 4802.62.6020, 4802.62.6040, 4802.69.1000, 4802.69.2000, 4802.69.3000, 4811.90.8050 and 4811.90.9080. The HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of the *Orders* is dispositive.[4]

Scope of the Anti-Circumvention Inquiry

The merchandise subject to this anti-circumvention inquiry consists of 83 Bright paper with a GE brightness of 83 ±1%, and otherwise meeting the description of the scope of the *Orders.* On August 1, 2016, the petitioners clarified that, consistent with 19 CFR 351.225(m), they intended for the Department to conduct a single anti-circumvention inquiry and issue a single ruling applicable to each of the *Orders.* Therefore, in accordance with 19 CFR 351.225(m), we find it appropriate to apply the results of this inquiry to each of the *Orders.*[5]

Methodology

The Department conducted this anti-circumvention determination in accordance with section 781(c) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.225(i). For a full description of the methodology underlying our conclusions, *see* the Issues and Decision Memorandum. A list of the topics discussed is attached to this notice in the Appendix.

The Issues and Decision Memorandum is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered user at *https://access.trade.gov* and is available to all parties in the Central Records Unit, Room B–8024 of the main Department of Commerce building. In addition, a complete public version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Final Affirmative Determination of Circumvention

As detailed in the Issues and Decision Memorandum, we determine, pursuant to section 781(c) of the Act and 19 CFR 351.225(i), that imports of 83 Bright paper, otherwise meeting the description of in-scope merchandise, constitute merchandise ''altered in form or appearance in minor respects'' from in-scope merchandise and are subject to the *Orders.*

Suspension of Liquidation

In accordance with 19 CFR 351.225(l)(2), we are directing U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of entries of 83 Bright paper entered, or withdrawn from warehouse, for consumption on or after November 7, 2016, the date of publication of the initiation of this inquiry, until appropriate liquidation instructions are issued. We will also instruct CBP to continue to require a cash deposit of estimated duties at the applicable rates for each unliquidated entry of the product entered, or withdrawn from warehouse, for consumption on or after November 7, 2016, in accordance with 19 CFR 351.225(l)(2).

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[1] *See Certain Uncoated Paper from Australia, Brazil, the People's Republic of China, Indonesia, and Portugal: Affirmative Preliminary Determination of Circumvention of the Antidumping and Countervailing Duty Orders*; 82 FR 26778 (June 9, 2017).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination of Circumvention of the Antidumping and Countervailing Duty Orders on Certain Uncoated Paper from Australia, Brazil, the People's Republic of China, Indonesia, and Portugal'' (Issues and Decision Memorandum), dated concurrently with this determination and hereby adopted by this notice.

[3] *See Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal: Amended Final Affirmative Antidumping Determinations for Brazil and Indonesia and Antidumping Duty Orders*; 81 FR 11174 (March 3, 2016) and *Certain Uncoated Paper from Indonesia and the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order (Indonesia) and Countervailing Duty Order (People's Republic of China)*; 81 FR 11187, (March 3, 2016) (collectively, the *Orders*).

[4] A full description of the scope of the *Orders* is contained in the Issues and Decision Memorandum.

[5] *See Certain Uncoated Paper from Australia, Brazil, Indonesia, the People's Republic of China, and Portugal: Initiation of Anti-Circumvention Inquiry,* 81 FR 78117 (November 7, 2016).

Dated: August 28, 2017.

Gary Taverman,

Deputy Assistant Secretary, Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

I. Summary
II. Background
III. Scope of the Orders
IV. Merchandise Subject to the Anti-Circumvention Inquiry
V. Discussion of the Issues
A. Authority to Initiate This Anti-Circumvention Inquiry
B. Existence of 83 Bright Paper Prior to the Filing of the Petition
C. Physical Characteristics
D. Expectations of the Ultimate Users
E. Uses of the Merchandise
F. Channels of Marketing
G. Cost of Modification
H. Other Case-Specific Criteria
VI. Recommendation

[FR Doc. 2017–18589 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF663

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Thursday, September 21, 2017 at 8:30 a.m.

ADDRESSES: The meeting will be held at the Fairfield Inn & Suites, 185 MacArthur Drive, New Bedford, MA 02740; phone: (774) 634–2000.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Groundfish Committee plans to discuss Framework Adjustment 57/ Specifications and Management Measures. They will receive a report from the Transboundary Management and Guidance Committee (TMGC) on US/CA stocks—Georges Bank yellowtail flounder, Eastern GB (EGB) cod, and EGB haddock Receive a report from the Groundfish Plan Development Team (PDT) on adjusting: common pool trimester total allowable catches (TACs), Atlantic halibut accountability measures (AMs), and Windowpane flounder AMs for large mesh/non-groundfish fisheries (*e.g.,* scup and summer flounder trawl fisheries). They will also discuss draft alternatives and make recommendations to the Council. The committee will be discussing Groundfish Amendment 23 Groundfish Monitoring Amendment. They will review a draft outline prepared by the PDT of the likely range of alternatives and make recommendations to the Council. The committee will hold initial discussion of possible groundfish priorities for 2018 and develop recommendations to the Council. The committee will discuss regulatory streamlining in response to recent Executive Orders. Several recent Executive Orders have been issued about streamlining current regulations, and NOAA is seeking public input on the efficiency and effectiveness of current regulations and whether they can be improved. They plan to discuss whether there are any regulations in the Northeast Multispecies fishery management plan that could be eliminated, improved, or streamlined. Other business will be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: August 29, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–18603 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Processed Products Family of Forms.

OMB Control Number: 0648–0018.

Form Number(s): NOAA 88–13, NOAA88–13(c).

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 747.

Average Hours per Response: 30 minutes for an Annual Processed Products Report and 15 minutes for a monthly Fishery Products Report Fish Meal and Oil.

Burden Hours: 395.

Needs and Uses: This request is for extension of a current information collection.

National Oceanic and Atmospheric Administration (NOAA) annually collects information from seafood and industrial fishing processing plants on the volume and value of their processed fishery products and their monthly employment figures. NOAA also collects monthly production volume of fish meal, oil, and solubles. The information gathered is used by NOAA in the economic and social analyses developed when proposing and evaluating fishery management actions.

Affected Public: Business and other for-profit organizations.

Frequency: Annually and monthly.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: August 29, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–18620 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF662

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Observer Advisory Committee (OAC) will meet September 19–20, 2017.

DATES: The meeting will be held Tuesday, September 19 and Wednesday, September 20, from 9 a.m. to 5 p.m., Pacific time.

ADDRESSES: The meeting will be held at the FMA Observer Training Center, Room 1055, 7600 Sand Point Way NE., Alaska Fisheries Science Center, Seattle, WA. Teleconference available at (907) 271–2896.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Diana Evans, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

1. Review draft 2018 Observer Annual Deployment Plan;
2. Review draft Statement of Work for observer/EM contract;
3. Discuss observer analyses, including report from OAC subgroup on options for increasing partial coverage selection rates, and recommendations to address observer issues related to tendering; and
4. Scheduling and other business.

More details available at *https://www.npfmc.org/observer-program.*

The meeting will be listening-only for those that are not on the OAC.

Special Accommodations

The meeting is via teleconference. Request for auxiliary aids should be directed to Maria Shawback at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: August 29, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–18602 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Alaska Region Scale and Catch Weighing Requirements.

OMB Control Number: 0648–0330.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents:

Average Hours per Response:

Burden Hours:

Needs and Uses: Scale and catch weighing requirements address performance standards designed to ensure that all catch delivered to the processor is accurately weighed and accounted for. Scale and catch-weighing monitoring is required for Western Alaska Community Development Quota Program (CDQ) catcher/processors (C/Ps), American Fisheries Act (AFA) C/Ps, AFA motherships, AFA shoreside processors and stationary floating processors, Central Gulf of Alaska Rockfish Program trawl C/Ps, non-AFA trawl C/Ps participating in Bering Sea and Aleutian Islands (BSAI) trawl fisheries, and longline C/Ps participating in BSAI Pacific cod fisheries.

National Marine Fisheries Service (NMFS) has identified three primary objectives for monitoring catch. First, monitoring must ensure independent verification of catch weight, species composition, and location data for every delivery by a catcher vessel or every pot by a C/P. Second, all catch must be weighed accurately using NMFS-approved scales to determine the weight of total catch. Third, the system must provide a verifiable record of the weight of each delivery. To effectively manage fisheries, NMFS must have data that will provide reliable independent estimates of the total catch.

Affected Public: Business or other for-profit organizations.

Frequency: Annually, and daily for fishing period.

Respondent's Obligation: Required to obtain or retain benefit.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: August 29, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–18622 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Emergency Beacon Registrations.

OMB Control Number: 0648–0295.

Form Number(s): None.

Type of Request: Regular (extension of a currently approved information collection).

Number of Respondents: 301,231.

Average Hours per Response: 15 minutes.

Burden Hours: 75,307.

Needs and Uses: This request is for an extension of a currently approved information collection.

An international system exists to use satellites to detect and locate ships, aircraft, and individuals in distress if they are equipped with an emergency radio beacon. Persons purchasing a digital distress beacon, operating in the frequency range of 406.000 to 406.100

MHz, must register it with NOAA. These requirements are contained in Federal Communications Commission (FCC) regulations at 47 CFR 80.1061, 47 CFR 87.199 and 47 CFR 95.1402. The data provided by registration can assist in identifying who is in distress and in suppression of false alarms.

Affected Public: Individuals or households; business or other for-profit organizations; not for profit institutions; federal government; state, local or tribal government.

Frequency: Biannually and on occasion.

Respondent's Obligation: Mandatory.

This information collection request may be viewed at *reginfo.gov*. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Dated: August 29, 2017.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2017–18621 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–HR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF658

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of meetings of the South Atlantic Fishery Management Council's Citizen Science Advisory Panel Projects/Topics Management; Volunteers; Data Management Action Teams.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of its Citizen Science Advisory Panel Projects/Topics Management; Volunteers; Data Management Action Teams via webinar.

DATES: The Projects/Topics Management Team meeting will be held Tuesday, September 19, 2017 at 1 p.m.; Volunteers Team on Thursday, September 21, 2017 at 1 p.m.; and Data Management Team on Friday, September 29, 2017 at 1 p.m. Each meeting is scheduled to last approximately 90 minutes. Additional Action Team webinar and plenary webinar dates and times will publish in a subsequent issue in the **Federal Register**.

ADDRESSES:

Meeting address: The meetings will be held via webinar and are open to members of the public. Webinar registration is required and registration links will be posted to the Citizen Science program page of the Council's Web site at *www.safmc.net.*

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Amber Von Harten, Citizen Science Program Manager, SAFMC; phone 843/302–8433 or toll free 866/SAFMC–10; FAX 843/769–4520; email: *amber.vonharten@safmc.net.*

SUPPLEMENTARY INFORMATION: The Council created a Citizen Science Advisory Panel Pool in June 2017. The Council appointed members of the Citizen Science Advisory Panel Pool to five Action Teams in the areas of Volunteers, Data Management, Projects/Topics Management, Finance, and Communication/Outreach/Education to develop program policies and operations for the Council's Citizen Science Program.

Each Action Team will meet to continue work on developing recommendations on program policies and operations to be reviewed by the Council's Citizen Science Committee.

Items to be addressed during these meetings:

1. Discuss work on tasks in the Terms of Reference
2. Other Business

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: August 29, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–18599 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF659

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Electronic Monitoring Workgroup (EMWG) will hold a public meeting on September 18, 2017, 9 a.m. to 5 p.m. Pacific Time, AFSC, Traynor Room in Building 4, 7600 Sand Point Way NE., Seattle, WA.

DATES: The meeting will be held on Tuesday, September 18, 2017, from 9 a.m. to 5 p.m., Pacific Time.

ADDRESSES: The meeting will be held in the FMA Observer Training Room 1055 AFSC, 7600 Sand Point Way NE., Seattle, WA. It will also be available by teleconference at (907) 271–2896.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Diana Evans, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

1. Update on 2017 pre-implementation program;
2. Discuss 2018 EM deployment and implementation, including budget;
3. Review EM component of draft Statement of Work for observer/EM contract;
4. Review draft methodology for allocating the observer fee between EM and observers;
5. Review NMFS draft EM policy directive;
6. Research and development report; and
7. Other business and scheduling. The Agenda is subject to change, and the latest version will be posted at *http://www.npfmc.org/.*

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: August 29, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–18600 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF660

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The North Pacific Fishery Management Council (Council) Crab Plan Team will meet September 19–21, 2017.

DATES: The meeting will be held on Tuesday, September 19 through Thursday, September 21, from 9 a.m. to 5 p.m. Pacific Time, each day.

ADDRESSES: The meeting will be held at the Alaska Fishery Science Center, (AFSC) Traynor Room, Sand Point Way, Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252; telephone: (907) 271–2809.

FOR FURTHER INFORMATION CONTACT: Diana Stram, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, September 19 Through Thursday, September 21

The agenda will include: (a) EBS Trawl Survey, (b) Bycatch Overview of groundfish and crab c) Ecosystem and economic data update, (c) Final assessments on Snow crab, Bristol Bay red king crab, Pribilof Islands red and blue king crab, Saint Matthew blue king crab, Tanner crab, (d) overfishing status determinations for Western Aleutian Island red king crab and Pribilof Island golden king crab and, (e) Model discussions for Norton Sound red king crab and Aleutian Islands golden king crab.

Meeting materials will be made available on the Council Web site (*www.npfmc.org*) prior to the meeting.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shannon Gleason at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: August 29, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–18601 Filed 8–31–17; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Proposed Collection (3038–XXXX), Reparations Complaint, CFTC Form 30

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (CFTC) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on the proposed collection of information required to apply for a Reparations award pursuant to the Commission's regulations.

DATES: Comments must be submitted on or before October 31, 2017.

ADDRESSES: You may submit comments, identified by ''Reparations Complaint'' by any of the following methods:

- The Agency's Web site, at *http://comments.cftc.gov/.* Follow the instructions for submitting comments through the Web site.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.
- *Federal eRulemaking Portal: http://www.regulations.gov/.* Follow the instructions for submitting comments through the Portal.

Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT: Eugene Smith, Director, Office of Proceedings, Commodity Futures Trading Commission, (202) 418–5371; email: *esmith@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the CFTC is publishing notice of the proposed collection of information listed below. 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.

Title: Reparations Complaint, CFTC Form 30 (OMB Control No. 3038–XXXX). This is a request for a new OMB control number.

Abstract: Pursuant to Section 14 of the Commodity Exchange Act, members of the public may apply to the Commission to seek damages against Commission registrants for alleged violations of the Act and/or Commission regulations. The legislative intent of the Reparations program was to provide a low-cost, speedy, and effective forum for the resolution of customer complaints and to sanction individuals and firms found to have violated the Act and/or any regulations.

In 1984, the Commission promulgated part 12 of the Commission regulations to administer Section 14. Rule 12.13 provides the standards and procedures for filing a Reparations complaint. Specifically, paragraph (b) describes the form and content requirements of a complaint. CFTC Form 30 mirrors the requirements set forth in paragraph (b).

The Commission began utilizing Form 30 in or about 1984. The form was created to assist customers, who are typically *pro se* and non-lawyers. It was also designed as a way to provide proper notice to respondents of the charges against them. This form is critical to fulfilling this policy goal. Accordingly, the Commission is requesting an OMB control number to continue the use of Form 30.

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.[1]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

Burden Statement: The respondent burden for this collection is estimated to be as follows:

Respondents/Affected Entities: Commodity futures customers.

Estimated Number of Respondents: 15.

Estimated Average Burden Hours per Respondent: 1.5.

Estimated Total Annual Burden Hours: 22.5.

Frequency of Collection: Once.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: August 25, 2017.

Robert N. Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2017–18511 Filed 8–31–17; 8:45 am]

BILLING CODE 6351–01–P

[1] 17 CFR 145.9.

DEPARTMENT OF DEFENSE

Department of the Army, U.S. Army Corps of Engineers

Notice of Public Meetings for The Great Lakes and Mississippi River Interbasin Study—Brandon Road Draft Integrated Feasibility Study and Environmental Impact Statement—Will County, Illinois

AGENCY: Department of the Army, U.S. Army Corps of Engineers.

ACTION: Public Meetings.

SUMMARY: The Rock Island and Chicago Districts, U.S. Army Corps of Engineers (USACE), will host three public meetings to discuss the draft report titled *The Great Lakes and Mississippi River Interbasin Study—Brandon Road Draft Integrated Feasibility Study and Environmental Impact Statement—Will County, Illinois.* The purpose of these public meetings is to receive input regarding the GLMRIS-Brandon Road Study to prevent the upstream transfer of aquatic nuisance species, such as Asian carp, while minimizing impacts to existing waterway uses and users. Public meetings will begin with an open house followed by a presentation regarding the study and an oral public comment period. There will be opportunities for web-based participation during two of these meetings.

DATES: USACE will hold public meetings on:

1. September 11 from 1:00 to 5:00 p.m. at the James R. Thompson Center;
2. September 14 from 3:30 to 6:30 p.m. at Muskegon Community College; and
3. September 18 from 3:30 to 6:30 p.m. at Joliet Junior College, ''U'' Conference Center.

ADDRESSES: The addresses for the public meetings are:

1. James R. Thompson Center, 100 W Randolph St., Chicago, Illinois 60604;
2. Muskegon Community College, Collegiate Hall, 221 S. Quarterline Road, Muskegon, Michigan 49442; and
3. Joliet Junior College, ''U'' Conference Center, 1215 Houbolt Road, Joliet, Illinois 60431.

Web Participation: A Facebook Live format web audio/video broadcast will be available for the three meetings. Visit *http://glmris.anl.gov/brandon-rd/* for details on how to participate in these virtual meetings. Phone and web conference access is as follows:

PHONE: Toll-Free: 888–431–3632, Access Code: 723853.

Web Conference URL: https://www.webmeeting.att.com, Meeting Number: 888–431–3632, Access Code: 723853.

Written comments, statements, testimonies and supporting information are accepted between August 7, 2017 and October 2, 2017 and considered with the same weight as oral comments and supporting information presented at the public meetings. Written comments may be submitted in the following ways:

- *Mail and Hand Delivery:* U.S. Army Corps of Engineers, Chicago District, ATTN: GLMRIS-Brandon Road Comments, 231 S. LaSalle St., Suite 1500, Chicago, IL 60604. Comments must be postmarked by October 2, 2017.
- *GLMRIS project Web site:* Use the web comment function found at *http://glmris.anl.gov/brandon-rd/.*
- Facebook Live participants can use the ''Live Chat'' feature; however, these comments will not be recorded in the official record.

FOR FURTHER INFORMATION CONTACT:

- *Andrew Leichty, Project Manager, by mail:* U.S. Army Corps of Engineers, Rock Island District, Clock Tower Building (ATTN: Leichty), P.O. Box 2004, Rock Island, IL 61204–2004, by phone: 309–794–5399; or by email: *Andrew.L.Leichty@usace.army.mil.*
- *For media inquiries, contact Allen Marshall, District Spokesperson, by mail:* U.S. Army Corps of Engineers, Rock Island District, Clock Tower Building (ATTN: Marshall), P.O. Box 2004, Rock Island, IL 61204–2004, by phone: 309–794–5204; or by email: *Allen.A.Marshall@usace.army.mil.*

SUPPLEMENTARY INFORMATION: The purpose of these public meetings is to receive oral and written comments on the draft report/EIS titled *The Great Lakes and Mississippi River Interbasin Study—Brandon Road Draft Integrated Feasibility Study and Environmental Impact Statement—Will County, Illinois,* available at *http://glmris.anl.gov/brandon-rd/.* On August 7, 2017, USACE published a notice in the **Federal Register** (FR) announcing the release of the draft report (82 FR 36760), followed by the U.S. Environmental Protection Agency's Notice of

Availability filed in the **Federal Register** on August 18, 2017 (82 FR 39424), announcing the formal public review period that extends until October 2, 2017. All comments must be submitted on the GLMRIS project Web site or postmarked by October 2, 2017, to be considered.

USACE asks those wanting to make oral comments to register on the GLMRIS project Web site at *http://glmris.anl.gov/brandon-rd/* prior to the meeting. Each individual wishing to make oral comments shall be given three (3) minutes, and a stenographer will document oral comments. During each meeting, USACE will also collect written comments on comment cards. Facebook Live viewers must use the GLMRIS project Web site to enter official comments; ''Live Chat'' comments will be discarded. If you require assistance under the Americans with Disabilities Act, please contact Mr. Allen Marshall at *Allen.A.Marshall@usace.army.mil* or by phone at 309–794–5204 at least seven working days prior to the meeting to request arrangements.

Comments, including the names and addresses of those who comment, received during the comment period will be posted on the GLMRIS project Web site after the comment period has ended. Comments submitted anonymously will be accepted, considered, and posted. Commenters may indicate that they do not wish to have their name or other personal information made available on the Web site. However, USACE cannot guarantee that information withheld from the Web site will be maintained as confidential. Persons requesting confidentially should be aware that, under the Freedom of Information Act, confidentiality may be granted in only limited circumstances.

Changes to these meetings will be posted at *http://glmris.anl.gov/brandon-rd/.*

Authority

This action is being undertaken pursuant to the Water Resources and Development Act of 2007, Section 3061(d), Public Law 110–114, and the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C 4321, *et seq.,* as amended.

Dated: August 25, 2017.

Dennis W. Hamilton,

Chief, Programs and Project Management Division.

[FR Doc. 2017–18572 Filed 8–31–17; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0111]

Agency Information Collection Activities; Comment Request; Corrective Action Plan (CAP)

AGENCY: Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before October 31, 2017.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0111. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 216–42, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Edward West, 202–245–6145.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Corrective Action Plan (CAP).

OMB Control Number: 1820–0694.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 15.

Total Estimated Number of Annual Burden Hours: 975.

Abstract: Pursuant to the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act, the Rehabilitation Services Administration (RSA) must conduct periodic monitoring of the Vocational Rehabilitation (VR) programs in each state. As a result of this monitoring, RSA may require that VR agencies to develop a Corrective Action Plan (CAP) in order to resolve findings of non-compliance. The CAP must contain the specific steps that the agency will take to resolve each finding, timelines for the completion of each step and methods for evaluating that the findings have been resolved. RSA requires the agency to report progress toward completion of the CAP on a quarterly basis.

Dated: August 28, 2017.

Tomakie Washington,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2017–18529 Filed 8–31–17; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Department of Energy.

ACTION: Notice of Cancellation of Open Meeting.

SUMMARY: On August 21, 2017, the Department of Energy (DOE) published a notice of open meeting announcing a meeting on September 6–7, 2017, of the Environmental Management Site-Specific Advisory Board, Hanford. This

notice announces the cancellation of this meeting.

DATES: The meeting scheduled for September 6–7, 2017, announced in the August 21, 2017, issue of the **Federal Register** (FR Doc. 2017–17600, 82 FR 39572), is cancelled.

FOR FURTHER INFORMATION CONTACT: Kristen Holmes, Federal Coordinator, Department of Energy Richland Operations Office, P.O. Box 550, H5–20, Richland, WA, 99352; Phone: (509) 376–5803; or Email: *kristen.l.holmes@rl.doe.gov.*

Issued at Washington, DC, on August 24, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–18598 Filed 8–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Nevada

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, September 20, 2017, 4:00 p.m.

ADDRESSES: Frank H. Rogers Science and Technology Building, 755 East Flamingo, Las Vegas, Nevada 89119.

FOR FURTHER INFORMATION CONTACT: Barbara Ulmer, Board Administrator, 232 Energy Way, M/S 167, North Las Vegas, Nevada 89030. Phone: (702) 630–0522; Fax (702) 295–2025 or Email: *NSSAB@nnsa.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. Fiscal Year 2018 Work Plan Development
2. Election of Officers
3. Recommendation Development for Communication Improvement Opportunities—Work Plan Item #9

Public Participation: The EM SSAB, Nevada, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Barbara Ulmer at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Barbara Ulmer at the telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments can do so during the 15 minutes allotted for public comments.

Minutes: Minutes will be available by writing to Barbara Ulmer at the address listed above or at the following Web site: *http://www.nnss.gov/NSSAB/pages/MM_FY17.html.*

Issued at Washington, DC, on August 24, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–18597 Filed 8–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Advanced Scientific Computing Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Advanced Scientific Computing Advisory Committee (ASCAC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, September 26, 2017; 8:30 a.m.–5:00 p.m. and Wednesday, September 27, 2017; 8:30 a.m.–12:00 p.m.

ADDRESSES: DoubleTree Crystal City, 300 Army Navy Drive, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: Christine Chalk, Office of Advanced Scientific Computing Research; SC–21/Germantown Building; U. S. Department of Energy; 1000 Independence Avenue SW., Washington, DC 20585–1290; Telephone (301) 903–7486.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the committee is to provide advice and guidance on a continuing basis to the Office of Science and to the Department of Energy on scientific priorities within the field of advanced scientific computing research.

Purpose of the Meeting: This meeting is the semi-annual meeting of the Committee.

Tentative Agenda Topics:

- View from Washington
- View from Germantown
- Update on Exascale project activities
- Report from Subcommittee on Future Computing Technologies
- Update on Charge for Committee of Visitors for Research programs
- Retrospective on 40 years of investments by the Department of Energy in advanced computing and networking
- Technical presentations
- Public Comment (10-minute rule)

The meeting agenda includes an update on the budget, accomplishments and planned activities of the Advanced Scientific Computing Research program and the Exascale computing project; an update on the Office of Science; updates from the two active subcommittees including recommendations from the Subcommittee on Future Computing Technologies; technical presentations on artificial intelligence and Exascale applications; and there will be an opportunity comments from the public. The meeting will conclude at noon on September 27, 2017. Agenda updates and presentations will be posted on the ASCAC Web site prior to the meeting: *http://science.energy.gov/ascr/ascac/*.

Public Participation: The meeting is open to the public. Individuals and representatives of organizations who would like to offer comments and suggestions may do so during the meeting. Approximately 30 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but will not exceed 10 minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak should submit your request at least five days before the meeting. Those not able to attend the meeting or who have insufficient time to address the committee are invited to send a written statement to Christine Chalk, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; email to *Christine.Chalk@science.doe.gov*.

Minutes: The minutes of this meeting will be available within 90 days on the Advanced Scientific Computing Web site at *http://science.energy.gov/ascr/ascac/*.

Issued at Washington, DC, on August 24, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–18596 Filed 8–31–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC17–14–000]

Commission Information Collection Activities (FERC–725U); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection, FERC–725U, Mandatory Reliability Standards: Mandatory Reliability Standard CIP–014.

DATES: Comments on the collection of information are due October 31, 2017.

ADDRESSES: You may submit comments (identified by Docket No. IC17–14–000) by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: Mandatory Reliability Standards: Reliability Standard CIP–014.

OMB Control No.: 1902–0274.

Type of Request: Three-year extension of the FERC–725U information collection requirements with no changes to the current reporting requirements.

Abstract: Reliability Standard CIP–014–2 [1] requires applicable transmission owners and transmission operators to identify and protect transmission stations and transmission substations, and their associated primary control centers that if rendered inoperable or damaged as a result of a physical attack could result in instability, uncontrolled separation, or cascading within an Interconnection.

Transmission owners and transmission operators must keep data or evidence to show compliance with the standard for three years unless directed by its Compliance Enforcement Authority. If a responsible entity is found non-compliant, it must keep information related to the non-compliance until mitigation is complete and approved, or for the three years, whichever is longer.

Type of Respondents: Transmission owners (TO) and transmission operators (TOP).

Estimate of Annual Burden: [2] The Commission estimates the annual public reporting burden for the information collection as:

FERC–725U—MANDATORY RELIABILITY STANDARDS: RELIABILITY STANDARD CIP–014

	Number and type of respondents	Number of responses per respondent	Total number of responses	Average burden hours and cost per response [3]	Total burden hours and total cost
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4)
Year 1					
R1	334 TO	1	334	20 $1,280	6,680 $427,520
R2	334 TO	1	334	34 $2,448	11,356 $817,632
R3	2 TOP	1	2	1 $129	2 $258
R4	30 TO and 2 TOP	1	32	80 $5,120	2,560 $163,840
R5	30 TO and 2 TOP	1	32	320 $20,480	10,240 $655,360
R6	30 TO and 2 TOP	1	32	304 $19,456	9,728 $622,592
Record Retention	334 TO and 2 TOP	1	336	2 $76	672 $25,536
Year 2					
Record Retention	334 TO and 2 TOP	1	336	2 $76	672 $25,536

[1] Reliability Standard CIP–014–2 was implemented by the letter Order in Docket RD15–4–000 issued on 7/14/2015. RD15–4–000 was not submitted to OMB because it did not implicate the Paperwork Reduction Act. The revised standard became effective on 10/2/2015 and is now included in the FERC–725U information collection.

[2] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 CFR 1320.3.

FERC–725U—MANDATORY RELIABILITY STANDARDS: RELIABILITY STANDARD CIP–014—Continued

	Number and type of respondents	Number of responses per respondent	Total number of responses	Average burden hours and cost per response [3]	Total burden hours and total cost
	(1)	(2)	(1) * (2) = (3)	(4)	(3) * (4)
Year 3					
R1	30 TO	1	30	20 $1,280	600 $38,400
R2	30 TO	1	30	34 $2,436	1,020 $73,080
R3	2 TOP	1	2	1 $129	2 $258
R4	30 TO and 2 TOP	1	32	80 $5,120	2,560 $163,840
R5	30 TO and 2 TOP	1	32	80 $5,120	2,560 $163,840
R6	30 TO and 2 TOP	1	32	134 $8,576	4,288 $274,432
Record Retention	334 TO and 2 TOP	1	336	2 $76	672 $25,536
Year 1 Total					41,238 $2,712,738
Year 2 Total					672 $25,536
Year 3 Total					11,702 $739,386
TOTAL (for Years 1–3)					53,612 $3,477,660
Average Annual Burden and Cost (for Years 1–3)					17,871 $1,159,220

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: August 25, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–18538 Filed 8–31–17; 8:45 am]

BILLING CODE 6717–01–P

[3] The estimates for cost per response are derived using the following formula: Average Burden Hours per Response times XX per Hour = Average Cost per Response.

The hourly cost figures are based on data for wages plus benefits from the Bureau of Labor Statistics (as of 11/9/2016) at *https://www.bls.gov/oes/current/naics2_22.htm* and *http://www.bls.gov/news.release/ecec.nr0.htm*. The figures are rounded for the purposes of calculations in this table and are:

1. For electrical engineers, $64.29/hr., rounded to $64/hr.

2. for attorneys, $129.12/hr., rounded to $129/hr.

3. for administrative staff, $37.75/hr., rounded to $38/hr.

The record retention cost is based on the administrative staff category; R3 is based on the attorney category; Requirements R1, R4, R5 and R6 are based on the electrical engineer category; and R2 is a mix of the electrical engineer and related engineering review process (30 hrs. at $64/hr.) and attorney (4 hrs. at $129/hr.) categories. The resulting average hourly figure is $71.65, rounded to $72/hr.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD17–10–000]

Agency Operations in the Absence of a Quorum; Notice of Termination of Delegation of Further Authority to Staff Due To Reestablishment of Quorum

1. By order issued February 3, 2017, in anticipation of a lack of a quorum, the Commission delegated further authority to its staff to take certain actions.[1] Such delegation was effective beginning February 4, 2017, and in no event was to extend beyond 14 days following the date a Commission quorum was reestablished.[2]

2. Take notice that a Commission quorum was reestablished on August 10, 2017, and, with the reestablishment of a Commission quorum, the Commission's delegation of further authority to its staff accordingly terminated on August 24, 2017.

Dated: August 25, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–18537 Filed 8–31–17; 8:45 am]

BILLING CODE 6717–01–P

[1] *Agency Operations in the Absence of a Quorum,* 158 FERC 61,135 (2017).

[2] *Id.* P 2.

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: RP17–974–000.

Applicants: Garden Banks Gas Pipeline, LLC.

Description: § 4(d) Rate Filing: Garden Banks LINK filing to be effective 10/1/2017.

Filed Date: 8/18/17.

Accession Number: 20170818–5106.

Comments Due: 5 p.m. ET 8/30/17.

Docket Numbers: RP17–975–000.

Applicants: Gulf South Pipeline Company, LP.

Description: § 4(d) Rate Filing: Amendments to Neg Rate Agmts (FPL 41618–29, 41619–15) to be effective 8/17/2017.

Filed Date: 8/21/17.

Accession Number: 20170821–5084.

Comments Due: 5 p.m. ET 9/5/17.

Docket Numbers: RP17–976–000.

Applicants: Mississippi Canyon Gas Pipeline, L.L.C.

Description: § 4(d) Rate Filing: Miss Canyon LINK integration filing to be effective 10/1/2017.

Filed Date: 8/21/17..

Accession Number: 20170821–5106.

Comments Due: 5 p.m. ET 9/5/17.

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 22, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18522 Filed 8–31–17; 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 Number: PR17–58–000.

Applicants: Louisville Gas and Electric Company.

Description: Tariff filing per 284.123(b), (e)+(g): Rate Petition and Revised Statement of Operating Conditions to be effective 8/23/2017; Filing Type: 1300.

Filed Date: 8/23/17.

Accession Number: 201708235034.

Comments Due: 5 p.m. ET 9/13/17.

284.123(g) Protests Due: 5 p.m. ET 10/23/17.

Docket Numbers: RP17–159–000.

Applicants: Noble Energy, Inc., CNX Gas Company LLC.

Description: Request for Extension of Temporary Waiver of CNX Gas Company LLC and Noble Energy, Inc.

Filed Date: 8/14/17.

Accession Number: 20170814–5183.

Comments Due: 5 p.m. ET 8/28/17.

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 date(s). 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 24, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–18523 Filed 8–31–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2006–0947; 9967–15–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NO_X Budget Trading Program To Reduce the Regional Transport of Ozone (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NO_X Budget Trading Program to Reduce the Regional Transport of Ozone'', (EPA ICR No. 1857.07, OMB Control No. 2060–0445) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through August 31, 2017. Public comments were previously requested via the **Federal Register** on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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.

DATES: Additional comments may be submitted on or before October 2, 2017.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2006–0947, to (1) EPA online using *regulations.gov* (our preferred method), by email to *docket@epamail.epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) 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 public 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.

FOR FURTHER INFORMATION CONTACT: Karen VanSickle, Clean Air Markets Division, Office of Air and Radiation, (6204J), Environmental Protection Agency, 1200 Pennsylvania Ave. NW.,

Washington, DC 20460; telephone number (202) 343–9220; fax number: (202) 343–2361; email address: *vansickle.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 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.*

Abstract: The NO_X Budget Trading Program was a market-based cap and trade program created to reduce emissions of nitrogen oxides (NO_X) from power plants and other large combustion sources in the eastern United States. The NO_X Budget Trading Program was established as an optional implementation mechanism for the NO_X SIP Call and was designed to reduce NO_X emissions during the warm summer months, referred to as the ozone season, when ground-level ozone concentrations are highest. In 2009, the program was replaced by an ozone-season NO_X trading program under the Clean Air Interstate Rule (CAIR), which has in turn been replaced by ozone-season NO_X trading programs under the Cross-State Air Pollution Rule (CSAPR). Although the NO_X Budget Trading Program was replaced after the 2008 compliance season, this information collection is being renewed because some sources in certain states are still required to monitor and report emissions data to EPA in accordance with the NO_X SIP Call and are not covered by the CSAPR trading programs, so we will account for their information collection burden. All data received by EPA will be treated as public information. 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 for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are those which formerly participated in the NO_X Budget Trading Program to Reduce the Regional Transport of Ozone and which continue to have reporting obligations in accordance with the NO_X SIP Call that are not duplicated under other rules.

Respondent's obligation to respond: Mandatory (Sections 110(a) and 301(a) of the Clean Air Act).

Estimated number of respondents: EPA estimates that there are 460 former NO_X Budget Trading Program units that will continue to conduct monitoring in accordance with Part 75 solely under the NO_X SIP Call.

Frequency of response: Yearly, quarterly, occasionally.

Total estimated burden: 189,261 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $27,787,807 (per year), includes $12,227,457 annualized capital or operation & maintenance costs.

Changes in the Estimates: The increase in total burden hours is due to the increased number of units whose information collection burden associated with reporting of ozone-season NO_X mass emissions is now reported under this program instead of other programs. The information collection burden for reporting ozone season NO_X mass emissions data for all sources that were formerly subject to the CAIR NO_X Ozone Season Trading Program and are not covered by CSAPR is now covered under this ICR. Previously, the burden for reporting ozone season NO_X mass emissions data for some of these sources was covered under the CAIR Program ICR (EPA ICR No. 2152.05, OMB Control No. 2060–0570).

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2017–18540 Filed 8–31–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9034–9]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EISs)

Filed 08/21/2017 Through 08/25/2017 Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

EIS No. 20170165, Final, USFS, CA, Power Fire Reforestation, Review Period Ends: 10/02/2017, Contact: Marc Young 209–295–5955

EIS No. 20170166, Draft, BLM, NV, Greater Phoenix Project, Comment Period Ends: 10/16/2017, Contact: Christine Gabriel 775–635–4000

EIS No. 20170167, Final, DOC, CO, Nationwide Public Safety Broadband Network for the Central United States, Review Period Ends: 10/02/2017, Contact: Amanda Pereira 202–280–9364

EIS No. 20170168, Draft, Caltrans, CA, North County Corridor New State Route 108 Project and Route Adoption, Comment Period Ends: 10/16/2017, Contact: Juan Torres 559–445–6328

EIS No. 20170169, Draft, USACE, AK, Nanushuk Project, Comment Period Ends: 10/16/2017, Contact: Ellen Lyons 907–474–2169

EIS No. 20170170, Draft, USACE, TX, Houston Ship Channel Expansion Channel Improvement Project, Comment Period Ends: 10/16/2017, Contact: Kelly Burks-Copes 409–766–3044

EIS No. 20170171, Draft, FTA, CA, East San Fernando Valley Transit Corridor, Comment Period Ends: 10/16/2017, Contact: Candice Hughes 213–629–8613

Dated: August 28, 2017.

Dawn Roberts,

Management Analyst, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017–18604 Filed 8–31–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 17–792]

Consumer Advisory Committee Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Commission announces the next meeting date, time, and agenda of its Consumer Advisory Committee (hereinafter the ''Committee''). The mission of the Committee is to make recommendations to the Commission regarding consumer issues within the jurisdiction of the Commission and to facilitate the participation of consumers (including underserved populations, such as Native Americans, persons living in rural areas, older persons, people with disabilities, and persons for whom English is not their primary

language) in proceedings before the Commission.

DATES: September 18, 2017, 9:00 a.m. to 3:00 p.m.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Commission Meeting Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Scott Marshall, Designated Federal Officer of the Committee, (202) 418–2809 (voice or Relay); email *Scott.Marshall@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document DA 17–792, released August 23, 2017, announcing the Agenda, Date, and Time of the Committee's Next Meeting.

Meeting Agenda

At its September 18, 2017 meeting, the Committee is expected to consider a recommendation from its Robocalls Working Group regarding blocking of unwanted calls. The Committee will also receive briefings from Commission staff on issues of interest to the Committee.

A limited amount of time will be available for comments from the public. If time permits, the public may ask questions of presenters via the email address *livequestions@fcc.gov* or via Twitter using the hashtag #fcclive. The public may also follow the meeting on Twitter @fcc or via the Commission's Facebook page at *www.facebook.com/fcc.* Alternatively, members of the public may send written comments to: Scott Marshall, Designated Federal Officer of the Committee, at the address provided above.

The meeting is open to the public and the site is fully accessible to people using wheelchairs or other mobility aids. Sign language interpreters, open captioning, assistive listening devices, and Braille copies of the agenda and committee roster will be provided on site. Meetings of the Committee are also broadcast live with open captioning over the Internet from the FCC Live Web page at *www.fcc.gov/live/.* Other reasonable accommodations for people with disabilities are available upon request. The request should include a detailed description of the accommodation needed and contact information. Please provide as much advance notice as possible; last minute requests will be accepted, but may not be possible to fill. To request an accommodation, send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Federal Communications Commission.

D'wana Terry,

Acting Deputy Bureau Chief, Consumer and Governmental Affairs Bureau.

[FR Doc. 2017–18527 Filed 8–31–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1166]

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before October 2, 2017. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page <*http://www.reginfo.gov/public/do/PRAMain*>, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1166.

Title: Section 1.21001, Participation in Competitive Bidding for Support; Section 1.21002, Prohibition of Certain Communications During the Competitive Bidding Process.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

Number of Respondents and Responses: 750 respondents and 750 responses.

Estimated Time per Response: 1.5 hours.

Frequency of Response: On occasion reporting requirement.

Obligation To Respond: Required to obtain or retain benefits. Statutory authority for this information collection 47 U.S.C. 154, 254 and 303(r).

Total Annual Burden: 1,125 hours.

Total Annual Cost: No cost.

Nature and Extent of Confidentiality: There is no need for confidentiality. Information collected in each application for universal service support will be made available for public inspection, and the Commission is not requesting that respondents submit confidential information to the Commission as part of the pre-auction application process. Respondents seeking to have information collected on an application for universal service support withheld from public inspection may request confidential treatment of such information pursuant to section 0.459 of the Commission's rules, 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: The Commission will use the information collected to determine whether applicants are eligible to participate in auctions for Universal Service Fund support. On November 18, 2011, the Commission released an order comprehensively reforming and modernizing the universal service and intercarrier compensation systems to ensure that robust, affordable voice and broadband service, both fixed and mobile, are available to Americans throughout the nation. Connect America Fund et al., Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (USF/ICC Transformation Order). In adopting the USF/ICC Transformation Order, the Commission created the Connect America Fund (CAF) to help make broadband available to homes, businesses, and community anchor institutions in areas that do not, or would not otherwise, have broadband. In addition, the Commission created the Connect America Mobility Fund (MF) to ensure the availability of mobile broadband networks in areas where a private-sector business case is lacking and a separate and complementary one-time Tribal Mobility Fund Phase I to accelerate mobile voice and broadband availability in Tribal areas. Finally, the Commission created the Remote Areas Fund (RAF) to ensure that Americans living in the most remote areas in the nation, where the cost of deploying traditional terrestrial broadband networks is extremely high, can obtain affordable access through alternative technology platforms, including satellite and unlicensed wireless services.

To implement these reforms and conduct competitive bidding for CAF, MF, and RAF support, the Commission adopted new rules containing information collection requirements that would be used to determine whether an applicant is generally qualified to bid for universal service support. The Commission also adopted rules containing information collection requirements that would be used to determine whether an applicant is specifically qualified to bid for Phase I of the Mobility Fund and Tribal Mobility Fund.

Because support under Phase I of the Mobility Fund and Tribal Mobility Fund has been awarded, the Commission is revising the currently approved information collection to remove the information collections requirements that apply specifically to applicants seeking to participate in competitive bidding for Mobility Fund Phase I and Tribal Mobility Fund Phase I support and to retain only those information collections requirements that apply generally to applicants seeking to participate in competitive bidding for universal service support. The Commission also requests that the title of this information collection be changed to ''Section 1.21001, Participation in Competitive Bidding for Support; Section 1.21002, Prohibition of Certain Communications During the Competitive Bidding Process'' to reflect the revised information collection.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer, Office of the Secretary.

[FR Doc. 2017–18542 Filed 8–31–17; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee, Diversity and Digital Empowerment

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) announces the first meeting and agenda of the Advisory Committee on Diversity and Digital Empowerment (ACDDE).

DATES: Monday, September 25, 2017, beginning at 10:00 a.m.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Room TW–C305, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jamila Bess Johnson, Designated Federal Officer, Federal Communications Commission, Media Bureau, (202) 418–2608, *Jamila-Bess.Johnson@fcc.gov;* or Brenda Villanueva, Deputy Designated Federal Officer, (202) 418–7005, *Brenda.Villanueva@fcc.gov.*

SUPPLEMENTARY INFORMATION: This meeting is open to members of the public. The FCC will accommodate as many attendees as possible; however, admittance will be limited to seating availability. The Commission will also provide audio and video coverage of the meeting over the Internet at *www.fcc.gov/live.* Oral statements at the meeting by parties or entities not represented on the ACDDE will be permitted to the extent time permits and at the discretion of the ACDDE Chair and the DFO. Members of the public may submit comments to the ACDDE in the FCC's Electronic Comment Filing System, ECFS, at *www.fcc.gov/ecfs.* Comments to the ACDDE should be filed in GN Docket No. 17–208.

Open captioning will be provided for this event. Other reasonable accommodations for persons with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY). Such requests should include a detailed description of the accommodation needed. In addition, please include a way for the FCC to contact the requester if more information is needed to fulfill the request. Please allow at least five days' notice; last minute requests will be accepted, but may not be possible to accommodate.

Proposed Agenda: At this meeting, the agenda will include introduction of members of the ACDDE, including the Committee Chair and Vice Chair, establish working groups that will assist ACDDE in carrying out its work, and generally discuss the Committee's mission to provide recommendations to the FCC on how to empower disadvantaged communities and accelerate the entry of small businesses, including those owned by women and minorities, into the media, digital news and information, and audio and video programming industries, including as

owners, suppliers, and employees, as well as recommendations on how to ensure that disadvantaged communities are not denied the wide range of opportunities made possible by next-generation networks. This agenda may be modified at the discretion of the ACDDE Chair and the DFO.

Federal Communications Commission.

Thomas Horan,

Chief of Staff, Media Bureau.

[FR Doc. 2017–18550 Filed 8–31–17; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–5079]

Determination That NIZORAL (Ketoconazole) Tablets, 200 Milligrams, Were Not Withdrawn From Sale for Reasons of Safety or Effectiveness

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) has determined that NIZORAL (ketoconazole) tablets, 200 milligrams (mg), were not withdrawn from sale for reasons of safety or effectiveness. This determination means that FDA will not begin procedures to withdraw approval of abbreviated new drug applications (ANDAs) that refer to NIZORAL, and it will allow FDA to continue to approve ANDAs that reference NIZORAL as long as they meet relevant legal and regulatory requirements.

FOR FURTHER INFORMATION CONTACT: Robin Fastenau, Center for Drug Evaluation Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6236, Silver Spring, MD 20993–0002, 240–402–4510.

SUPPLEMENTARY INFORMATION: In 1984, Congress enacted the Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) (the 1984 amendments), which authorized the approval of duplicate versions of drug products under an ANDA procedure. ANDA applicants must, with certain exceptions, show that the drug for which they are seeking approval contains the same active ingredient in the same strength and dosage form as the ''listed drug,'' which is a version of the drug that was previously approved. ANDA applicants do not have to repeat the extensive clinical testing otherwise necessary to gain approval of a new drug application (NDA).

The 1984 amendments include what is now section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)), which requires FDA to publish a list of all approved drugs. FDA publishes this list as part of the ''Approved Drug Products With Therapeutic Equivalence Evaluations,'' which is known generally as the ''Orange Book.'' Under FDA regulations, drugs are removed from the list if the Agency withdraws or suspends approval of the drug's NDA or ANDA for reasons of safety or effectiveness or if FDA determines that the listed drug was withdrawn from sale for reasons of safety or effectiveness (21 CFR 314.162).

A person may petition the Agency to determine, or the Agency may determine on its own initiative, whether a listed drug was withdrawn from sale for reasons of safety or effectiveness. This determination may be made at any time after the drug has been withdrawn from sale, but must be made prior to approving an ANDA that refers to the listed drug (§ 314.161 (21 CFR 314.161)). FDA may not approve an ANDA that does not refer to a listed drug.

NIZORAL (ketoconazole) tablets, 200 mg, is the subject of NDA 018–533 and was originally held by Johnson & Johnson Research and Development, L.L.C., now known as Janssen Research & Development, L.L.C. (Janssen). It was initially approved on June 12, 1981. NIZORAL should be used only when other effective antifungal therapy is not available or tolerated and the potential benefits are considered to outweigh the potential risks. NIZORAL is indicated for the treatment of the following systemic fungal infections in patients who have failed or who are intolerant to other therapies: blastomycosis, coccidioidomycosis, histoplasmosis, chromomycosis, and paracoccidioidomycosis.

In a letter dated May 22, 2008, Janssen, which at that time was operating as Johnson & Johnson Pharmaceutical Research & Development, L.L.C., acting on behalf of Ortho-McNeil-Janssen Pharmaceuticals, Inc., notified FDA that NIZORAL (ketoconazole) tablets, 200 mg, were being discontinued and requested withdrawal of NDA 018–533. In the **Federal Register** of October 13, 2015 (80 FR 61426), FDA announced that it was withdrawing approval of NDA 018–533, effective November 12, 2015.

After reviewing Agency records and based on the information we have at this time, FDA has determined under § 314.161 that NIZORAL (ketoconazole) tablets, 200 mg, were not withdrawn for reasons of safety or effectiveness. We have carefully reviewed our files for records concerning the withdrawal of NIZORAL (ketoconazole) tablets, 200 mg, from sale. We have also independently evaluated relevant literature and data for possible postmarketing adverse events. We have reviewed the available evidence and determined that this drug product was not withdrawn from sale for reasons of safety or effectiveness.

Accordingly, the Agency will continue to list NIZORAL (ketoconazole) tablets, 200 mg, in the ''Discontinued Drug Product List'' section of the Orange Book. The ''Discontinued Drug Product List'' delineates, among other items, drug products that have been discontinued from marketing for reasons other than safety or effectiveness. FDA will not begin procedures to withdraw approval of approved ANDAs that refer to NIZORAL. Additional ANDAs that refer to NIZORAL (ketoconazole) tablets, 200 mg, may also be approved by the Agency as long as they meet all other legal and regulatory requirements for the approval of ANDAs. If FDA determines that labeling for this drug product should be revised to meet current standards, the Agency will advise ANDA applicants to submit such labeling.

Dated: August 28, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–18548 Filed 8–31–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–4302]

Electronic Study Data Submission; Data Standards; Support End Date for Study Data Tabulation Model Version 1.2, Implementation Guide Version 3.1.2, and Implementation Guide Version 3.1.2, Amendment 1

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration's (FDA or Agency) Center for Biologics Evaluation and Research (CBER) and Center for Drug Evaluation and Research (CDER) are announcing the end of support for Version 1.2 of Clinical Data Interchange Standards Consortium Study Data Tabulation Model (SDTM) and an

update to the FDA Data Standards Catalog. FDA will continue its support of the newer SDTM Version 1.3 and Version 1.4, which have been listed in the FDA Data Standards Catalog since December 2012 and August 2015, respectively. FDA support for SDTM Version 1.2 will end for studies that start 12 months after March 15, 2018.

DATES: Submit either electronic or written comments at any time.

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–N–4302 for ''Electronic Study Data Submission; Data Standards, Support End Date for Study Data Tabulation Model Version 1.2, Implementation Guide Version 3.1.2, and Implementation Guide Version 3.1.2, Amendment 1.'' 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.

FOR FURTHER INFORMATION CONTACT: Fatima Frye, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1192, Silver Spring, MD 20993–0002, 301–796–4863, email: *cder-edata@fda.hhs.gov;* or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7268, Silver Spring, MD 20993–0002, 240–402–7911, email: *Stephen.Ripley@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On December 17, 2014, FDA published final guidance for industry ''Providing Regulatory Submissions in Electronic Format—Standardized Study Data'' (eStudy Data guidance) posted on FDA's Study Data Standards Resources Web page at *https://www.fda.gov/forindustry/datastandards/studydatastandards/default.htm.* The eStudy Data guidance implements the electronic submission requirements of section 745A(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379k–1(a)) for study data contained in new drug applications, abbreviated new drug applications, biologics license applications, and investigational new drug applications submitted to CDER or CBER by specifying the format for electronic submissions. The eStudy Data guidance states that a **Federal Register** notice will specify the transition date for updates to standards (with the month and day for the transition date corresponding to March 15).

The transition date for the end of FDA support for SDTM Version 1.2, Implementation Guide Version 3.1.2, and Implementation Guide Version 3.1.2, Amendment Version 1.2 is March 15, 2018. Therefore, FDA support for SDTM Version 1.2, Implementation Guide Version 3.1.2, and Implementation Guide Version 3.1.2, Amendment 1.2 will end for studies that start after March 15, 2019. The FDA Data Standards Catalog (see *https://www.fda.gov/forindustry/datastandards/studydatastandards/default.htm*) will be updated to list March 15, 2019, as the ''date support ends.''

II. Electronic Access

Persons with access to the internet may obtain the referenced material at *https://www.fda.gov/forindustry/datastandards/studydatastandards/default.htm.*

Dated: August 29, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–18566 Filed 8–31–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–D–0838]

Procedures for Meetings of the Medical Devices Advisory Committee; Guidance for Industry and Food and Drug Administration Staff; 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 the guidance entitled ''Procedures for Meetings of the Medical Devices Advisory Committee.'' The Center for Devices and Radiological Health (CDRH) is issuing this guidance to provide additional information regarding the processes for meetings of the Medical Devices Advisory Committee panels other than the Medical Devices Dispute Resolution Panel (DRP). This guidance describes the general circumstances in which CDRH consults with a panel, the process for exchange of information among CDRH, the members of the panel, industry, and the public, and the conduct of panel meetings. This guidance supplements existing FDA Agency-wide guidance on the conduct of Advisory Committee meetings.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on Agency guidance documents are welcome at any time.

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–2015–D–0838 for ''Procedures for Meetings of the Medical Devices Advisory Committee; Guidance for Industry and Food and Drug Administration Staff; Availability.'' 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 Office 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.

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled ''Procedures for Meetings of the Medical Devices Advisory Committee'' to the Office of the Center Director, Guidance and Policy Development, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: James Swink, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1609, Silver Spring, MD 20993–0002, 301–796–6313.

SUPPLEMENTARY INFORMATION:

I. Background

CDRH is issuing this guidance to provide additional information regarding the processes for meetings of the Medical Devices Advisory Committee panels other than DRP. The term ''panel,'' as used in this guidance, refers to the panels established under the Medical Devices Advisory Committee charter excluding DRP. This guidance describes the general circumstances in which CDRH consults with a panel of the Medical Devices Advisory Committee, the process for exchange of information among CDRH, the members of the panel, industry, and the public, and the conduct of panel meetings. The Medical Devices Advisory Committee includes 17 panels other than DRP (Ref. 1). The panels, according to their specialty area and authorization, advise the Commissioner of Food and Drugs in discharging responsibilities as they relate to assuring the safety and effectiveness of medical devices, and as required, any other

product for which FDA has regulatory responsibility.

In the **Federal Register** of April 1, 2015 (80 FR 17439), FDA announced the availability of the draft guidance. Interested persons were invited to comment by June 1, 2015. FDA revised the guidance as appropriate in response to the comments. This guidance is intended to provide information for industry and for CDRH staff on the processes associated with a panel meeting held for any of the reasons identified in the guidance. This guidance replaces the ''Guidance on Amended Procedures for Advisory Panel Meetings'' (Ref. 2) and the guidance document entitled ''Panel Review of Premarket Approval Applications #P91–2 blue book memo'' (Ref. 3). This guidance supplements existing FDA Agency-wide guidance on the conduct of Advisory Committee meetings.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on the panel meeting process for medical devices. 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. This guidance is not subject to Executive Order 12866.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *https://www.regulations.gov.* Persons unable to download an electronic copy of ''Procedures for Meetings of the Medical Devices Advisory Committee'' may send an email request to *CDRH-Guidance@fda.hhs.gov* to receive an electronic copy of the document. Please use the document number 413 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This 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 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 860 have been approved under OMB control number 0910–0138; the collections of information in 21 CFR part 814 have been approved under OMB control number 0910–0231; and the collections of information in 21 CFR part 814, subpart H have been approved under OMB control number 0910–0332.

V. References

The following references are on display in the Dockets Management Staff (see **ADDRESSES**), and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday; they are also available electronically at *https://www.regulations.gov.* FDA has verified the Web site addresses, as of the date this document publishes in the **Federal Register**, but Web sites are subject to change over time.

1. CDRH's Medical Devices Advisory Committee, available at *https://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/MedicalDevices/MedicalDevicesAdvisoryCommittee/default.htm.*

2. ''Guidance for Industry and FDA Staff: Guidance on Amended Procedures for Advisory Panel Meetings,'' July 2000, available at *https://www.fda.gov/downloads/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm073726.pdf.*

3. ''Panel Review of Premarket Approval Applications #P91–2 (blue book memo),'' May 1991, available at *https://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/ucm081363.htm.*

Dated: August 28, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–18549 Filed 8–31–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HRSA is publishing this notice of petitions received under the National Vaccine Injury Compensation Program (the program), as required by the Public Health Service (PHS) Act, as amended. While the Secretary of HHS is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the program in general, contact Lisa L. Reyes, Acting Clerk, United States Court of Federal Claims, 717 Madison Place NW., Washington, DC 20005, (202) 357–6400. For information on HRSA's role in the program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 08N146B, Rockville, MD 20857; (301) 443–6593, or visit our Web site at: *http://www.hrsa.gov/vaccinecompensation/index.html.*

SUPPLEMENTARY INFORMATION: The program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of Title XXI of the PHS Act, 42 U.S.C. 300aa–10 *et seq.,* provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of HHS, who is named as the respondent in each proceeding. The Secretary has delegated this responsibility under the program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the table) set forth at 42 CFR 100.3. This Table lists for each covered childhood vaccine the conditions that may lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested outside the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa–12(b)(2), requires that ''[w]ithin 30 days after the Secretary receives service of any petition filed

under section 2111 the Secretary shall publish notice of such petition in the **Federal Register**.'' Set forth below is a list of petitions received by HRSA on July 1, 2017, through July 31, 2017. This list provides the name of petitioner, city and state of vaccination (if unknown then city and state of person or attorney filing claim), and case number. In cases where the Court has redacted the name of a petitioner and/or the case number, the list reflects such redaction.

Section 2112(b)(2) also provides that the special master ''shall afford all interested persons an opportunity to submit relevant, written information'' relating to the following:

1. The existence of evidence ''that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition,'' and

2. Any allegation in a petition that the petitioner either:

a. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Vaccine Injury Table but which was caused by'' one of the vaccines referred to in the Table, or

b. ''[S]ustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Vaccine Injury Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine'' referred to in the Table.

In accordance with Section 2112(b)(2), all interested persons may submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Director, Division of Injury Compensation Programs, Healthcare Systems Bureau, 5600 Fishers Lane, 08N146B, Rockville, MD 20857. The Court's caption (*Petitioner's Name* v. *Secretary of HHS*) and the docket number assigned to the petition should be used as the caption for the written submission. Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the program.

Dated: August 28, 2017.

George Sigounas,

Administrator.

List of Petitions Filed

1. Houston Byrd, Jr., Heath, Ohio, Court of Federal Claims No: 17–0900V
2. Jacquelyn M. Will, Milwaukee, Wisconsin, Court of Federal Claims No: 17–0904V
3. Christine Midnight, Albuquerque, New Mexico, Court of Federal Claims No: 17–0905V
4. Beth Nemechek, Greeley, Colorado, Court of Federal Claims No: 17–0907V
5. Patricia Woolf, Cheyenne, Wyoming, Court of Federal Claims No: 17–0908V
6. Marie Schmidt, Naperville, Illinois, Court of Federal Claims No: 17–0913V
7. Richard K. Parker, Richmond, Virginia, Court of Federal Claims No: 17–0917V
8. Ronald Skrajner, Aurora, Ohio, Court of Federal Claims No: 17–0918V
9. Anita Javorski, Mankato, Minnesota, Court of Federal Claims No: 17–0919V
10. Jose Solis Marin, Washington, District of Columbia, Court of Federal Claims No: 17–0920V
11. Lavell Maize, Boston, Massachusetts, Court of Federal Claims No: 17–0921V
12. Ronald Patrick, Stuart, Florida, Court of Federal Claims No: 17–0922V
13. Amy Mehl, Memphis, Tennessee, Court of Federal Claims No: 17–0923V
14. Jennifer Stracick on behalf of H.S., St. Petersburg, Florida, Court of Federal Claims No: 17–0924V
15. Rebecca Curl, Winder, Georgia, Court of Federal Claims No: 17–0925V
16. Martin McGrail and Amy McGrail on behalf of S.M., Neptune, New Jersey, Court of Federal Claims No: 17–0926V
17. Elizabeth Evans, New York, New York, Court of Federal Claims No: 17–0929V
18. Arthur M. Flowers, III, West Columbia, South Carolina, Court of Federal Claims No: 17–0930V
19. Donna Ducey, Colleyville, Texas, Court of Federal Claims No: 17–0933V
20. Mary Orloski, Lewiston, Maine, Court of Federal Claims No: 17–0936V
21. Yvonne Simpson, Washington, District of Columbia, Court of Federal Claims No: 17–0944V
22. Leslie Questel on behalf of J.M., Big Bear, California, Court of Federal Claims No: 17–0946V
23. Erwin Casazza, Springfield, New Jersey, Court of Federal Claims No: 17–0947V
24. Tracie Johanek, Washington, District of Columbia, Court of Federal Claims No: 17–0948V
25. Kimberly Holway, Seattle, Washington, Court of Federal Claims No: 17–0949V
26. Livania Zavala, M.D. and Nelson J. Spinetti, M.D. on behalf of A.S., Edinburg, Texas, Court of Federal Claims No: 17–0951V
27. Fred A. Stover, Spring Mills, Pennsylvania, Court of Federal Claims No: 17–0952V
28. Justin M. Gillespie, Waupun, Wisconsin, Court of Federal Claims No: 17–0953V
29. Kevin McGuinness, Dade City, Florida, Court of Federal Claims No: 17–0954V
30. Kathleen Peddycord Wilson, Raleigh, North Carolina, Court of Federal Claims No: 17–0955V
31. Jamie Gardner, Camp Hill, Pennsylvania, Court of Federal Claims No: 17–0959V
32. Sharifah Wilson, Philadelphia, Pennsylvania, Court of Federal Claims No: 17–0960V
33. William Brown, Vienna, Virginia, Court of Federal Claims No: 17–0961V
34. Karen Adams, Washington, District of Columbia, Court of Federal Claims No: 17–0963V
35. Stephen E. Antisdel, Buchanan, Michigan, Court of Federal Claims No: 17–0964V
36. Jennifer Gregorino, Chattanooga, Tennessee, Court of Federal Claims No: 17–0965V
37. Rowena Adcox, Bowling Green, Kentucky, Court of Federal Claims No: 17–0966V
38. Lisa Workman, Washington, District of Columbia, Court of Federal Claims No: 17–0967V
39. Mary Jane De La Pena, Sacramento, California, Court of Federal Claims No: 17–0971V
40. Mary Duncan, Washington, District of Columbia, Court of Federal Claims No: 17–0972V
41. Cindy Gilliam, Washington, District of Columbia, Court of Federal Claims No: 17–0974V
42. Jeffrey Braden, St. Louis, Missouri, Court of Federal Claims No: 17–0975V
43. Janice Condara, Sugar Land, Texas, Court of Federal Claims No: 17–0977V
44. George Kennedy, Austin, Texas, Court of Federal Claims No: 17–0978V
45. Daphne Lattimer, Groveport, Ohio, Court of Federal Claims No: 17–0980V
46. Linda Harris, Washington, District of Columbia, Court of Federal Claims No: 17–0981V
47. Kent Kemmerer, Willoughby, Ohio, Court of Federal Claims No: 17–0982V
48. Casey Humphreys on behalf of E.H., Jasper, Arkansas, Court of Federal Claims No: 17–0983V
49. Deborah Langer, Dallas, Texas, Court of Federal Claims No: 17–0984V
50. Allison Menard, Baton Rouge, Louisiana, Court of Federal Claims No: 17–0985V
51. William Nischbach, Washington, District of Columbia, Court of Federal Claims No: 17–0986V
52. Tzipora Lefkowitz on behalf of M.L., New Square, New York, Court of Federal Claims No: 17–0987V
53. Sara Torres-Ruiz, Palmdale, California, Court of Federal Claims No: 17–0988V
54. Jason Quirino, Boston, Massachusetts, Court of Federal Claims No: 17–0989V
55. Barbara Stoliker, Ventura, California, Court of Federal Claims No: 17–0990V
56. Natalie Ben-Shoshan, Dallas, Texas, Court of Federal Claims No: 17–0991V
57. Patricia Pendergrass, Washington, District of Columbia, Court of Federal Claims No: 17–0992V
58. Jamie Miller, Baltimore, Maryland, Court of Federal Claims No: 17–0993V
59. Regina Stenberg, Washington, District of Columbia, Court of Federal Claims No: 17–0994V
60. Cheri Lang, Washington, District of Columbia, Court of Federal Claims No:

17–0995V
61. Cheryl Conkle, Boston, Massachusetts, Court of Federal Claims No: 17–1001V
62. Angela Dieter, Mount Joy, Pennsylvania, Court of Federal Claims No: 17–1002V
63. Romana Estes, Boston, Massachusetts, Court of Federal Claims No: 17–1003V
64. Anne Knudson, Phillips, Wisconsin, Court of Federal Claims No: 17–1004V
65. Miguel Leal, Jr., Wyoming, Michigan, Court of Federal Claims No: 17–1008V
66. Kimberly Settle, Thomasville, North Carolina, Court of Federal Claims No: 17–1009V
67. Sapna Kadakia, Washington, District of Columbia, Court of Federal Claims No: 17–1011V
68. Ricky Buras, Hattiesburg, Mississippi, Court of Federal Claims No: 17–1012V
69. Ellisa Morine, Chicago, Illinois, Court of Federal Claims No: 17–1013V
70. Margaret Rogers, Dresher, Pennsylvania, Court of Federal Claims No: 17–1014V
71. Michael Anderson, Dresher, Pennsylvania, Court of Federal Claims No: 17–1017V
72. Robert Wechsler, Dresher, Pennsylvania, Court of Federal Claims No: 17–1018V
73. Geraldine Petrocelli, Monroe, New York, Court of Federal Claims No: 17–1019V
74. Kevin McKenna, Rochester Hills, Michigan, Court of Federal Claims No: 17–1021V
75. Albert Parsons, Wartburg, Tennessee, Court of Federal Claims No: 17–1022V
76. Cynthia Hackney, San Antonio, Texas, Court of Federal Claims No: 17–1027V
77. Barbara Sakovits, Dresher, Pennsylvania, Court of Federal Claims No: 17–1028V
78. Sheryl Attig, Greenville, South Carolina, Court of Federal Claims No: 17–1029V
79. Patricia Anton, Dresher, Pennsylvania, Court of Federal Claims No: 17–1031V
80. Tasha Lee and Jose Botello on behalf of A.B., Beverly Hills, California, Court of Federal Claims No: 17–1032V

[FR Doc. 2017–18567 Filed 8–31–17; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center For Scientific Review; 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 grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 14–166: Early Phase Clinical Trials in Imaging and Image-Guided Interventions.

Date: September 25, 2017.

Time: 4:00 p.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

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 29, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–18612 Filed 8–31–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; 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: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; R13 Conference Grant Applications.

Date: September 21, 2017.

Time: 11:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jian Yang, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7111, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *yangj@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity PAR Review.

Date: September 29, 2017.

Time: 1:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; DDK–D Member Conflict SEP.

Date: October 6, 2017.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Xiaodu Guo, MD, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7023, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Fellowships in Digestive Diseases and Nutrition.

Date: October 12–13, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Jian Yang, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7111, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7799, *yangj@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Fellowships in Diabetes, Endocrinology and Metabolic Diseases.

Date: October 17, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7021, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–3993, *tathamt@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: August 28, 2017.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–18531 Filed 8–31–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of 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: National Institute of Environmental Health Sciences Special Emphasis Panel; Potential Exposure to GenX and Health Effects.

Date: September 14, 2017.

Time: 11:30 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: NIEHS/National Institutes of Health, Keystone Building, 530 Davis Drive, Room 3118, Research Triangle Park, NC 27709 (Telephone Conference Call).

Contact Person: Laura A. Thomas, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, Research Triangle Park, NC 27709, 919–541–2824, *laura.thomas@nih.gov*.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Centers for Oceans and Human Health.

Date: September 20–22, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Baltimore Marriott Inner Harbor at Camden Yards, 110 South Eutaw Street, Baltimore, MD 21201.

Contact Person: Linda K. Bass, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–1307, *bass@niehs.nih.gov*.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Centers for Oceans and Human Health II.

Date: September 22, 2017.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Baltimore Marriott Inner Harbor at Camden Yards, 110 South Eutaw Street, Baltimore, MD 21201.

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709, (919) 541–0670, *worth@niehs.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: August 28, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–18532 Filed 8–31–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, 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 proposals 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 proposals applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Clinical and Translational R21 and Omnibus R03: SEP–6.

Date: October 13, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Jennifer C. Schiltz, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W112, Bethesda, MD 20892–9750, 240–276–5864, *jennifer.schiltz@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Institutional Research Training Grant.

Date: October 17, 2017.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W234, Rockville, MD 20850 (Telephone Conferece Call).

Contact Person: Adriana Stoica, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W234, Bethesda, MD 20892–9750, 240–276–6368, *Stoicaa2@mail.nih.gov*.

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee I—Transition to Independence.

Date: October 18–19, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Delia Tang, M.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W602, Bethesda, MD 20892–9750, 240–276–6456, *tangd@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP 2 for Provocative Questions.

Date: October 24, 2017.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ombretta Salvucci, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W264, Bethesda, MD 20892–9750, 240–276–7286, *salvucco@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Clinical and Translational R21 and Omnibus R03: SEP–5.

Date: November 15–16, 2017.

Time: 6:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Jun Fang, Ph.D., Scientific Review Officer, Research Technology & Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W246, Bethesda, MD 20892–9750, 240–276–5460, *jfang@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Clinical and Translational R21 and Omnibus R03: SEP–2.

Date: November 16–17, 2017.

Time: 6:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Yasuko Furumoto, Ph.D., Scientific Review Officer, Research Technology & Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W634, Bethesda, MD 20892–9750, 240–276–5287, *yasuko.furumoto@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: August 29, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–18613 Filed 8–31–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye 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 Advisory Eye Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Eye Council.

Date: October 12, 2017.

Open: 8:30 a.m. to 1:00 p.m.

Agenda: Following opening remarks by the Director, NEI, there will be presentations by the staff of the Institute and discussions concerning Institute programs.

Place: Fishers Lane Conference Center, 5635 Fishers Lane, Terrace Level Conference Rooms, Rockville, MD 20852.

Closed: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Fishers Lane Conference Center, 5635 Fishers Lane, Terrace Level Conference Rooms, Rockville, MD 20852.

Contact Person: Paul A. Sheehy, Ph.D., Director, Division of Extramural Affairs, National Eye Institute, National Institutes of Health, 5635 Fishers Lane, Suite 12300, Bethesda, MD 20892, 301–451–2020, *ps32h@nih.gov*.

Information is also available on the Institute's/Center's home page: *www.nei.nih.gov,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: August 29, 2017.

Natasha M. Copeland,

Program Analyst. Office of Federal Advisory Committee Policy.

[FR Doc. 2017–18614 Filed 8–31–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Initial Review Group; Mental Health Services Research Committee.

Date: October 30, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Palomar, 2121 P Street NW., Washington, DC 20036.

Contact Person: Aileen Schulte, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH Neuroscience Center, 6001 Executive Blvd., Room 6136, MSC 9606, Bethesda, MD 20852, 301–443–1225, *aschulte@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants; National Institutes of Health, HHS)

Dated: August 29, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–18616 Filed 8–31–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Pilot Effectiveness Trials for Treatment, Preventive and Services Interventions (R34).

Date: September 27, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Marcy Ellen Burstein, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6143, MSC 9606, Bethesda, MD 20892–9606, 301–443–9699, *bursteinme@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; NRSA Institutional Research Training T32.

Date: September 28, 2017.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: David M. Armstrong, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center/Room 6138/MSC 9608, 6001 Executive Boulevard, Bethesda, MD 20892–9608, 301–443–3534, *armstrda@mail.nih.gov.*

Name of Committee: National Institute of Mental Health Special Emphasis Panel; Intervention Research.

Date: September 28, 2017.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: David I. Sommers, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institute of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9606, Bethesda, MD 20892, 301–443–7861, *dsommers@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program No. 93.242, Mental Health Research Grants; National Institutes of Health, HHS)

Dated: August 29, 2017.

Melanie J. Pantoja,

Program Analyst Office of Federal Advisory Committee Policy.

[FR Doc. 2017–18615 Filed 8–31–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Current List of HHS-Certified Laboratories and Instrumented Initial Testing Facilities Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines).

A notice listing all currently HHS-certified laboratories and IITFs is published in the **Federal Register** during the first week of each month. If any laboratory or IITF certification is suspended or revoked, the laboratory or IITF will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory or IITF has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at *http://www.samhsa.gov/workplace.*

FOR FURTHER INFORMATION CONTACT: Giselle Hersh, Division of Workplace Programs, SAMHSA/CSAP, 5600 Fishers Lane, Room 16N03A, Rockville, Maryland 20857; 240–276–2600 (voice).

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services (HHS) notifies federal agencies of the laboratories and Instrumented Initial Testing Facilities (IITF) currently certified to meet the standards of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908); September 30, 1997 (62 FR 51118); April 13, 2004 (69 FR 19644); November 25, 2008 (73 FR 71858); December 10, 2008 (73 FR 75122); and on April 30, 2010 (75 FR 22809).

The Mandatory Guidelines were initially developed in accordance with Executive Order 12564 and section 503 of Pub. L. 100–71. The ''Mandatory Guidelines for Federal Workplace Drug Testing Programs,'' as amended in the revisions listed above, requires strict standards that laboratories and IITFs must meet in order to conduct drug and specimen validity tests on urine specimens for federal agencies.

To become certified, an applicant laboratory or IITF must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory or IITF must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories and IITFs in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A HHS-certified laboratory or IITF must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA), which attests that it has met minimum standards.

In accordance with the Mandatory Guidelines dated November 25, 2008 (73 FR 71858), the following HHS-certified laboratories and IITFs meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

HHS-Certified Instrumented Initial Testing Facilities

Dynacare, 6628 50th Street NW, Edmonton, AB Canada T6B 2N7, 780–784–1190, (Formerly: Gamma-Dynacare Medical Laboratories)

HHS-Certified Laboratories

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 844–486–9226

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615–255–2400, (Formerly: Aegis Sciences Corporation, Aegis Analytical Laboratories, Inc., Aegis Analytical Laboratories)

Alere Toxicology Services, 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823, (Formerly: Kroll Laboratory Specialists, Inc., Laboratory Specialists, Inc.)

Alere Toxicology Services, 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130, (Formerly: Kroll Laboratory Specialists, Inc., Scientific Testing Laboratories, Inc.; Kroll Scientific Testing Laboratories, Inc.)

Baptist Medical Center-Toxicology Laboratory, 11401 I–30, Little Rock, AR 72209–7056, 501–202–2783, (Formerly: Forensic Toxicology Laboratory Baptist Medical Center)

Clinical Reference Laboratory, Inc., 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917

DrugScan, Inc., 200 Precision Road, Suite 200, Horsham, PA 19044, 800–235–4890

Dynacare*, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630, (Formerly: Gamma-Dynacare Medical Laboratories)

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986, (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 TW Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900/800–833–3984, (Formerly: LabCorp Occupational

Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)
Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)
LabOne, Inc. d/b/a Quest Diagnostics, 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc.)
MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244
Legacy Laboratory Services—MetroLab, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295, (Formerly: MetroLab-Legacy Laboratory Services)
Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088, Testing for Veterans Affairs (VA) Employees Only
National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515
One Source Toxicology Laboratory, Inc., 1213 Genoa-Red Bluff, Pasadena, TX 77504, 888–747–3774, (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory)
Pacific Toxicology Laboratories, 9348 DeSoto Ave., Chatsworth, CA 91311, 800–328–6942, (Formerly: Centinela Hospital Airport Toxicology Laboratory)
Pathology Associates Medical Laboratories, 110 West Cliff Dr., Spokane, WA 99204, 509–755–8991/800–541–7891x7
Phamatech, Inc., 15175 Innovation Drive, San Diego, CA 92128, 888–635–5840
Quest Diagnostics Incorporated, 1777 Montreal Circle, Tucker, GA 30084, 800–729–6432, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)
Quest Diagnostics Incorporated, 400 Egypt Road, Norristown, PA 19403, 610–631–4600/877–642–2216, (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)
Quest Diagnostics Incorporated, 8401 Fallbrook Ave., West Hills, CA 91304, 818–737–6370, (Formerly: SmithKline Beecham Clinical Laboratories)
Redwood Toxicology Laboratory, 3700 Westwind Blvd., Santa Rosa, CA 95403, 800–255–2159
STERLING Reference Laboratories, 2617 East L Street, Tacoma, Washington 98421, 800–442–0438
US Army Forensic Toxicology Drug Testing Laboratory, 2490 Wilson St., Fort George G. Meade, MD 20755–5235, 301–677–7085, Testing for Department of Defense (DoD) Employees Only

*The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on November 25, 2008 (73 FR 71858). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Charles LoDico,

Chemist.

[FR Doc. 2017–18609 Filed 8–31–17; 8:45 am]

BILLING CODE 4160–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0830]

National Maritime Security Advisory Committee

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The National Maritime Security Advisory Committee will meet in Arlington, Virginia, to review and discuss various issues relating to national maritime security. All meetings will be open to the public.

DATES: The Committee will meet on Tuesday, September 19, 2017, from 12 Noon to 4:30 p.m. and on Wednesday, September 20, 2017, from 8 a.m. to 12 Noon. This meeting may close early if all business is finished.

ADDRESSES: The meeting will be held in the Holiday Inn Arlington, Ballroom 1, 4610 North Fairfax Drive; Arlington, Virginia 22203. The hotel's Web site is: *http://www.hiarlington.com/.*

This meeting will be broadcast via a web enabled interactive online format and teleconference line. To participate via teleconference, dial 1–855–475–2447; the pass code to join is 764 990 20#. Additionally, if you would like to participate in this meeting via the online web format, please log onto *https://share.dhs.gov/nmsac/* and follow the online instructions to register for this meeting. If you encounter technical difficulties, contact Mr. Ryan Owens at (202) 302 6565.

For information on facilities or services for individuals with disabilities, or to request special assistance at the meetings, contact the individual listed in **FOR FURTHER INFORMATION CONTACT** below as soon as possible.

Instructions: You are free to submit comments at any time, including orally at the meetings, but if you want Committee members to review your comment before the meetings, please submit your comments no later than September 15, 2017. We are particularly interested in comments on the issues in the ''Agenda'' section below. You must include ''Department of Homeland Security'' and the docket number [USCG–2017–0830]. Written comments must be submitted using the Federal eRulemaking Portal: *http://www.regulations.gov.* If you encounter technical difficulties, contact the individual in the **FOR FURTHER INFORMATION CONTACT** section of this document. Comments received will be posted without alteration at *http://www.regulations.gov* including any personal information provided. You may review the Privacy Act and Security Notice for the Federal Docket Management System at *https://regulations.gov/privacyNotice.*

Docket Search: For access to the docket to read documents or comments related to this notice, go to *http://*

www.regulations.gov, and use ''USCG–2017–0830'' in the ''Search'' box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Owens, Alternate Designated Federal Officer of the National Maritime Security Advisory Committee, 2703 Martin Luther King Jr. Avenue SE., Washington, DC 20593, Stop 7581, Washington, DC 20593–7581; telephone 202–372–1108 or email *ryan.f.owens@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is in compliance with the *Federal Advisory Committee Act,* (Title 5, United States Code, Appendix). The National Maritime Security Advisory Committee operates under the authority of 46 U.S.C. 70112. The National Maritime Security Advisory Committee provides advice, consults with, and makes recommendations to the Secretary of Homeland Security, via the Commandant of the Coast Guard, on matters relating to national maritime security.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/NMSAC* by September 30, 2017.

Agenda of Meeting

Day 1

The Committee will meet to review, discuss and formulate recommendations on the following issues:

(1) Cyber Security Guidance in the Marine Transportation System. The Committee will discuss and receive a brief on the current efforts to implement cyber security strategies. The Committee will also provide recommendations on current effort to provide Cyber Security Guidance.

(2) Regulatory Reform effort update. The Committee will discuss the efforts of the Regulatory Reform working group to address the tasking put forward to the Committee in August (NMSAC Task T2017–01).

(3) Member Report. The Committee members will each provide an update on the security developments in each of the respective member's representative segment.

(4) Public Comment period.

Day 2

The Committee will meet to review, discuss and formulate recommendations on the following issues:

(1) Extremely Hazardous Cargo Strategy. In July 2016, the U.S. Coast Guard tasked the Committee to work with the Chemical Transportation Advisory Committee to assist in the development of an Extremely Hazardous Cargo Strategy Implementation Plan. The Committee will discuss and receive an update from the Extremely Hazardous Cargo Working Group on their efforts.

(2) Future Policies Tasking. In October, 2016 the Committee was tasked with identifying future security issues for U.S. Coast Guard to consider. The Committee will discuss and receive an update on this effort.

(3) Public comment period.

Public comments or questions will be taken throughout the meeting as the Committee discusses the issues and prior to deliberations and voting. There will also be a public comment period at the end of each meeting. Speakers are requested to limit their comments to 5 minutes.

Please note that the public comment period may end before the period allotted, following the last call for comments. Contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section above to register as a speaker.

Dated: August 28, 2017.

Jennifer F. Williams,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2017–18515 Filed 8–31–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–46]

30-Day Notice of Proposed Information Collection: Rent Schedule—Low Income Housing

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date: October 2, 2017.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806, Email: *OIRA Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Inez C. Downs, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email *Inez. C. Downs@hud.gov,* or telephone 202–402–8046. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Downs.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on June 20, 2017 at 82 FR 28086.

A. Overview of Information Collection

Title of Information Collection: Rent Schedule-Low Rent Housing.

OMB Approval Number: 2502–0012.

Type of Request: Reinstatement with change of a previously approved collection.

Form Number: HUD–92458 Rent Schedule—Low Rent Housing.

Description of the need for the information and proposed use: This information is necessary for HUD to ensure that tenant rents are applied to accordance with HUD administrative procedures.

Respondents (i.e. affected public): Owners and managers of subsidized low income housing.

Estimated Number of Respondents: 2,465.

Estimated Number of Responses: 2,465.

Frequency of Response: Annually, or on occasion.

Average Hours per Response: 5.33.

Total Estimated Burden: 13,138.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond: Including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 23, 2017.

Inez C. Downs,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2017–18579 Filed 8–31–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6003–N–08]

60-Day Notice of Proposed Information Collection: Evaluation of the HUD Youth Homelessness Demonstration Project Evaluation

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* October 31, 2017.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone (202) 402–5534 (this is not a toll-free number) or email at *Anna.P.Guido@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Anna P. Guido at *Anna.P.Guido@hud.gov* or telephone (202) 402–5535 (this is not a toll-free number). Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Evaluation of the HUD Youth Homelessness Demonstration Project.

OMB Approval Number: Pending.

Type of Request: New.

Agency Form Numbers: No agency forms will be used.

Description of the need for the information and proposed use: The purpose of the Youth Homelessness Demonstration Project Evaluation (YHDE), by the Office of Policy Development and Research, at the U.S. Department of Housing and Urban Development (HUD), is to assess the progress and results of the 2017 YHDP grantee communities in developing and executing a coordinated community approach to preventing and ending youth homelessness. YHDP grant funds help communities to work with youth advisory boards, child welfare agencies, and other community partners to create comprehensive community plans to end youth homelessness; these comprehensive plans are a major focus for the grantees in the first grant year. The grant funding is used for a variety of housing options, including rapid re-housing, permanent supportive housing, and transitional housing, as well as innovative programs. YHDP also will support youth-focused performance measurement and coordinated entry systems. In order to obtain a clear picture of YHDP grant activities, this longitudinal, multi-level evaluation will measure activities and progress of grantees essential to building and sustaining effective community change.

Data collection will occur during two evaluation components with each component including data collection activities and analyses. These components include two waves of a web-based survey of Continuums of Care, and site visits with each demonstration community and the three selected comparison sites.

Component one, a web-based survey of Continuums of Care (CoCs) in the U.S. will be administered twice, in Years 1 and 4 of the evaluation, to all CoC program directors across the country excluding the 10 YHDP grantees and three comparison communities, for a total of 400 survey participants each wave. These data will provide an understanding of system developments occurring across the country and provide a comparative basis for understanding the demonstration communities. The survey will ask questions about the nature and capacity of the prevention and crisis approaches in place, the housing and service solutions, and the strategies for screening and assessing youth. It will focus on understanding the coordination and collaboration between the homeless assistance system and mainstream service systems, as well as whether and how the system prioritizes and coordinates referrals to the different programs.

The second data collection component is comprised of site visits which will be conducted with each demonstration community and the three comparison non-grantee CoCs. The site visits will include interviews with key informants, with project technical assistance (TA) providers, and youth, as well as focus groups with different subgroups of youth. The site visit guide will describe data collection procedures to be followed to ensure rigor and consistency across site visit teams. The first site visit will be conducted as soon as OMB approval is received to collect information while grantees are developing their coordinated community plans. The second site visit will be conducted in early 2019 to explore how the plans are being implemented, as well as barriers to or facilitators of change. The third and final site visits will be scheduled after community plans have been in effect for at least one year (mid-2020).

Respondents: Continuum of Care Lead Agency contacts, key community partners, TA provider staff and youth with interaction with CoCs.

Estimated total number of hours needed to prepare the information collection including number of respondents, frequency of response, hours of response, and cost of response time: Based on the assumptions and tables below, we calculate the estimated annual burden hours for the study to be 380 hours and the annual cost to be $6,716.90. Across the four years of the study, the total burden hours would be 1,520 and the total cost for the four years to be $26,867.60. The annual cost of information collection from CoC program directors assumes 400 respondents, surveyed on two occasions over the four years of the evaluation,

((400*2)/4=200). It is further assumed that two YHDP Grantee staff per site, and six Program administrators per site will be interviewed. The full calculation assumptions are shown below. Derivations for the column ''Hourly Cost Per Response,'' are explained below.

ESTIMATED HOUR AND COST BURDEN OF INFORMATION COLLECTION

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost $
CoC Program Directors	400	2	200	0.2	40	30.54	$1,221.60
YHDP Grantee Staff	26	3	20	2.0	40	20.14	805.60
Program Administrators	78	3	59	1.0	59	30.54	1,801.86
Service Providers	78	3	59	1.0	59	20.14	1,188.26
Government Agency Staff	26	3	20	0.8	16	24.56	392.96
TA Providers	10	3	8	1.0	8	20.14	161.12
Youth (Interviews)	26	3	20	1.0	20	7.25	145.00
Youth (Focus Groups)	468	3	92	1.5	138	7.25	1,000.50
Total	1,112	.....	478	.....	380	.....	6,716.90

ESTIMATED HOUR BURDEN OF INFORMATION COLLECTION CALCULATION BASIS

Information collection	Number of respondents	Frequency of response	Responses per annum
CoC Program Directors	400	2	(400×2)/4 = 200
YHDP Grantee Staff	2/site, 13 sites = 26	3	(26×3)/4 = 20
Program Administrators	6/site, 13 sites = 78	3	(78×3)/4 = 59
Service Providers	6/site, 13 sites = 78	3	(78×3)/4 = 59
Government Agency Staff	2/site, 13 sites = 26	3	(26×3)/4 = 20
TA Providers	10	3	(10×3)/4 = 8
Youth (Interviews)	2/site, 13 sites = 26	3	(26×3)/4 = 20
Youth (Focus Groups)	36/site, 13 sites = 468	3	(468×3)/4 = 92
Total	1,112	.....	478

As summarized below, we estimated the hourly cost per response using the May 2015 Bureau of Labor Statistics, Occupational Employment Statistics median hourly wages for the labor categories, Social and Community Services Manager (11–9151, $30.54) and Social and Community Services Specialist, All Other (21–1099, $20.14). We used the Social and Community Services Manager rate for the CoC Program Directors and Program Administrators. We used the Social and Community Services Specialist, All Other rate for YHDP grantee staff, service providers, and TA providers. For the government workers, we used an average of state and local Social and Community Services Specialist, All Other (21–2099, $24.56). The youth hourly wage is based on the federal minimum wage of $7.25/hour.

Respondent	Occupation	SOC code	Median hourly wage
CoC program directors	Social and Community Services Manager	11–9151	$30.54.
YHDP grantee staff	Social and Community Services Specialist, All Others	21–1099	$20.14.
Program administrators	Social and Community Services Manager	11–9151	$30.54.
Service providers	Social and Community Services Specialist, All Others	21–1099	$20.14.
Government agency staff	Social and Community Services Specialist, All Others	21–1099	Average of state and local, $24.56.
TA providers	Social and Community Services Specialist, All Others	21–1099	$20.14.
Youth	Federal minimum wage	—	$7.25.

Source: Bureau of Labor Statistics, Occupational Employment Statistics (May 2015), *https://www.bls.gov/oes/current/oessrci.htm.*

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: August 23, 2017.

Todd M. Richardson,

Acting General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 2017–18578 Filed 8–31–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6021–N–02]

Fair Market Rents for the Housing Choice Voucher Program, Moderate Rehabilitation Single Room Occupancy Program, and Other Programs Fiscal Year 2018 and Adoption of Methodology Changes for Estimating Fair Market Rents

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice of Fiscal Year (FY) 2018 Fair Market Rents (FMRs) and adoption of methodology changes for estimating FMRs.

SUMMARY: Section 8(c)(1) of the United States Housing Act of 1937 (USHA), as amended by the Housing Opportunities Through Modernization Act of 2016 (HOTMA), requires the Secretary to publish FMRs not less than annually, adjusted to be effective on October 1 of each year. Section 8(c)(1)(B) of USHA, as amended by HOTMA, requires that HUD publish for comment a notice of proposed material changes in the methodology for estimating FMRs and a notice containing HUD's final decisions regarding such proposed substantial methodological changes. On May 26, 2017, HUD published a notice proposing changes to the methodology used for estimating FMRs and requested public comment.

This notice adopts HUD's May 26, 2017 proposed material changes to the methodology for estimating FMRs and notifies interested parties that FY 2018 FMRs are available at *www.huduser.gov.* This notice also describes the methods used to calculate the FY 2018 FMRs and enumerates the procedures for Public Housing Agencies (PHAs) and other interested parties to request reevaluations of their FMRs as required by HOTMA. Lastly, this notice responds to public comments HUD received on its May 26, 2017 notice.

DATES:

Comment Due Date: October 2, 2017.

Applicability Date: October 2, 2017 unless HUD receives a request for reevaluation of specific area FMRs as described below.

ADDRESSES: HUD invites interested persons to submit comments regarding the FMRs and to request reevaluation of the FY 2018 FMRs to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW., Room 10276, Washington, DC 20410–0001. Communications must refer to the above docket number and title and should contain the information specified in the ''Request for Comments/Request for Reevaluation'' section. There are two methods for submitting public comments.

1. Submission of Comments by Mail. Comments or requests for reevaluation may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410–0500. Due to security measures at all federal agencies, however, submission of comments by mail often results in delayed delivery. To ensure timely receipt of comments or reevaluation requests, HUD recommends that comments or requests submitted by mail be submitted at least two weeks in advance of the deadline. HUD will make all comments or reevaluation requests received by mail available to the public at *http://www.regulations.gov.*

2. Electronic Submission of Comments. Interested persons may submit comments or reevaluation requests electronically through the Federal eRulemaking Portal at *http://www.regulations.gov.* HUD strongly encourages commenters to submit comments or reevaluation requests electronically. Electronic submission of comments or reevaluation requests allows the author maximum time to prepare and submit a comment or reevaluation request, ensures timely receipt by HUD, and enables HUD to make them immediately available to the public. Comments or reevaluation requests submitted electronically through the *http://www.regulations.gov* Web site can be viewed by other submitters and interested members of the public. Commenters or reevaluation requestors should follow instructions provided on that site to submit comments or reevaluation requests electronically.

Note: To receive consideration as public comments or reevaluation requests, comments or requests must be submitted through one of the two methods specified above. Again, all submissions must refer to the docket number and title of the notice.

No Facsimile Comments or Reevaluation Requests. Facsimile (FAX) comments or requests for FMR reevaluation are not acceptable.

Public Inspection of Public Comments and Reevaluation Requests. All properly submitted comments and reevaluation requests and communications regarding this notice submitted to HUD will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address. Due to security measures at the HUD Headquarters building, an advance appointment to review the public comments and reevaluation requests must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number through TTY by calling the Federal Relay Service at 800–877–8339 (toll-free number). Copies of all comments and reevaluation requests submitted are available for inspection and downloading at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: For technical information on the methodology used to develop FMRs or a listing of all FMRs, please call the HUD USER information line at 800–245–2691 or access the information on the HUD USER Web site *http://www.huduser.gov/portal/datasets/fmr.html.* FMRs are listed at the 40th or 50th percentile in Schedule B. For informational purposes, 40th percentile rents for the areas with 50th percentile FMRs will be provided in the HUD FY 2018 FMR documentation system at *https://www.huduser.gov/portal/datasets/fmr.html#2018_query* and 50th percentile rents for all FMR areas will be published at *http://www.huduser.gov/portal/datasets/50per.html.*

Questions related to use of FMRs or voucher payment standards should be directed to the respective local HUD program staff. Questions on how to conduct FMR surveys may be addressed to Marie L. Lihn or Peter B. Kahn of the Economic and Market Analysis Division, Office of Economic Affairs, Office of Policy Development and Research at HUD headquarters, 451 7th Street SW., Room 8208, Washington, DC 20410; telephone number 202–402–2409 (this is not a toll-free number), or they may be reached at *emad-hq@hud.gov.* Persons with hearing or speech impairments may access HUD numbers through TTY by calling the Federal Relay Service at 800–877–8339 (toll-free number).

Electronic Data Availability. This **Federal Register** notice will be available electronically from the HUD User page at *https://www.huduser.gov/portal/datasets/fmr.html.* **Federal Register** notices also are available electronically from *https://www.federalregister.gov/*

the U.S. Government Printing Office Web site. Complete documentation of the methods and data used to compute each area's FY 2018 FMRs is available at *https://www.huduser.gov/portal/datasets/fmr.html#2018_query.* FY 2018 FMRs are available in a variety of electronic formats at *https://www.huduser.gov/portal/datasets/fmr.html.* FMRs may be accessed in PDF as well as in Microsoft Excel. Small Area FMRs based on FY 2018 Metropolitan Area Rents for the Dallas, TX HUD Metro FMR Area are available in Microsoft Excel format at the same web address. Small Area FMRs for all other metropolitan FMR areas are available at: *http://www.huduser.gov/portal/datasets/fmr/smallarea/index.html.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 8 of the USHA (42 U.S.C. 1437f) authorizes housing assistance to aid lower-income families in renting safe and decent housing. Housing assistance payments are limited by FMRs established by HUD for different geographic areas. In the Housing Choice Voucher (HCV) program, the FMR is the basis for determining the ''payment standard amount'' used to calculate the maximum monthly subsidy for an assisted family. See 24 CFR 982.503. HUD also uses the FMRs to determine initial renewal rents for some expiring project-based Section 8 contracts, initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy program, rent ceilings for rental units in both the HOME Investment Partnerships program and the Emergency Solution Grants program, calculation of maximum award amounts for Continuum of Care recipients and the maximum amount of rent a recipient may pay for property leased with Continuum of Care funds, and calculation of flat rents in Public Housing units. In general, the FMR for an area is the amount that would be needed to pay the gross rent (shelter rent plus utilities) of privately owned, decent, and safe rental housing of a modest (non-luxury) nature with suitable amenities and is typically set at the 40th percentile of the distribution of gross rents. HUD's FMR calculations represent HUD's best effort to estimate the 40th percentile gross rents paid by recent movers into standard quality units in each FMR area. In addition, all rents subsidized under the HCV program must meet reasonable rent standards.

As of October 2, 2000 (65 FR 58870), HUD required FMRs to be set at the 50th percentile for areas where HUD determined higher FMRs were needed to help families assisted under certain HUD programs find and lease decent and affordable housing. On November 16, 2016 (81 FR 80567), HUD published a Final Rule entitled ''Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in the Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs'' (Small Area FMR final rule), with an effective date of January 17, 2017. The Small Area FMR final rule eliminates the 50th percentile FMR provisions in the FMR regulations (24 CFR 888.113)[1] and provides that areas currently designated as 50th percentile areas remain 50th percentile areas until their current 3-year eligibility period expires. At the end of the 3-year eligibility period, these areas revert to 40th percentile FMR status. (If they meet the deconcentration criteria specified in 24 CFR 982.503(f), available at: *https://www.gpo.gov/fdsys/pkg/CFR-2016-title24-vol4/pdf/CFR-2016-title24-vol4-sec982-503.pdf,* they may petition HUD to maintain payment standards based on 50th percentile rents on that basis.)

The following areas completed their 3 years of 50th percentile eligibility in FY 2017 and will revert to 40th percentile FMR status in FY 2018:

FY 2017 50TH-PERCENTILE FMR AREAS REVERTING TO 40TH PERCENTILE FMRS IN FY 2018

Albuquerque, NM Metropolitan Statistical Area (MSA).
Chicago-Joliet-Naperville, IL HUD Metro FMR Area.
Denver-Aurora-Broomfield, CO MSA.
Hartford-West Hartford-East Hartford, CT HUD Metro FMR Area.
Urban Honolulu, HI MSA.
Kansas City, MO-KS HUD Metro FMR Area.
Milwaukee-Waukesha-West Allis, WI MSA.
Riverside-San Bernardino-Ontario, CA MSA.
Tacoma, WA HUD Metro FMR Area.
Virginia Beach-Norfolk-Newport News, VA-NC MSA.

The following is a list of FMR areas that retain 50th percentile FMRs for FY 2018, along with the year that they will revert to 40th percentile status:

FY 2018 50TH-PERCENTILE FMR AREAS AND YEAR OF REVERSION TO 40TH PERCENTILE FMRS

Bergen-Passaic, NJ HUD Metro FMR Area	2020
Baltimore-Columbia-Towson, MD MSA	2019
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	2019
San Diego-Carlsbad-San Marcos, CA MSA	2020
Spokane, WA HUD Metro FMR Area	2020
Washington, DC-VA-MD HUD Metro FMR Area	2019
West Palm Beach-Boca Raton, FL HUD Metro FMR Area	2019

[1] Separately from the Small Area FMR regulations, HUD also calculates and published 50th percentile rent estimates for the purposes of Success Rate Payment Standards as defined at 24 CFR 982.503(e) (estimates available at: *http://www.huduser.gov/portal/datasets/50per.html*), which policy was not changed by the Small Area FMR rule.

II. Procedures for the Development of FMRs and Changes in FMR Methodology

Section 8(c)(1) of the USHA, as amended by HOTMA (Pub. L. 114–201, approved July 29, 2016), requires the Secretary of HUD to publish FMRs not less than annually. Section 8(c)(1)(A) states that each FMR ''shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so the rentals will be current for the year to which they apply . . .'' Section 8(c)(1)(B) requires that HUD publish, not less than annually, new FMRs on the World Wide Web or in any other manner specified by the Secretary, and that HUD must also notify the public of when it publishes FMRs by **Federal Register** notice. After notification, the FMRs ''shall become effective no earlier than 30 days after the date of such publication,'' and HUD must provide a procedure for the public to comment and request a reevaluation of the FMRs in a jurisdiction before the FMRs become effective. Consistent with the statute, HUD is issuing this notice to notify the public that FY 2018 FMRs are available at *https://www.huduser.gov/portal/datasets/fmr.html* and will become effective on October 2, 2017. This notice also provides procedures for FMR reevaluation requests.

In addition, Section 8(c)(1)(B) of the USHA, as amended by HOTMA, requires that HUD publish for comment in the **Federal Register** a notice of proposed material changes in the methodology for estimating FMRs and a notice containing HUD's final decisions regarding such proposed substantial methodological changes and responses to public comments. On May 26, 2017 (82 FR 24377), HUD published a **Federal Register** notice proposing changes to the methodology used to calculate FMRs (Changes to Methodology notice) with a comment period that ended on June 26, 2017. This notice contains HUD's final decisions on the proposed changes to

the FMR methodology and responses to public comments.

In the Changes to Methodology notice, HUD proposed several methodological changes in the way that HUD calculates FMRs. Most of the changes focused on the way HUD assessed the statistical quality of the ACS estimates or on using as much local information as possible when calculating FMRs. The proposed changes were as follows:

- Add a ''number of observations'' criterion to the existing margin of error criterion when assessing the statistical reliability of ACS estimates.
- Use ''all-bedroom'' rents when calculating the recent mover factor when the two-bedroom rents are not statistically reliable before moving to a larger encompassing geography's two-bedroom recent mover rents for this factor.
- Calculate Small Area FMRs directly, rather than using the ratio method, when statistically reliable information at the ZIP Code Tabulation Area (ZCTA) level is available. The ratio method would still be used when statically reliable data was not available for individual ZCTAs.
- Link ZCTAs to the smallest metropolitan area available as their parent FMR area for the ratio method rather than defaulting to the Office of Management and Budget (OMB)—defined metropolitan area as the parent. This would allow HUD to take advantage of the differing recent mover factors available across subdivided OMB metropolitan areas (areas labeled as HUD Metro FMR Areas).

In response to the Changes to Methodology notice, a total of 22 individual comments were received and posted on the *Regulations.gov* site at *https://www.regulations.gov/docket?D=HUD-2017-0033*. Most of the comments that addressed the proposed methodology changes responded favorably to the changes. HUD provides responses to the public comments received later in this preamble (see section VII below). After considering all public comments received, HUD has decided to adopt all of the proposed methodology changes. HUD calculated the FY 2018 FMRs using the revised methodology incorporating the adopted changes.

III. FMR Methodology

This section provides a brief overview of how HUD computes the FY 2018 FMRs. For complete information on how HUD determines FMR areas, and on how HUD derives each area's FMRs, see the online documentation at *https://www.huduser.gov/portal/datasets/fmr.html#2018_query*.

In conjunction with the use of 2015 American Community Survey (ACS) data, HUD has implemented the following geography changes: Effective May 1, 2015, Shannon County, South Dakota (state code 46, county code 113) changed its name to Oglala Lakota County, South Dakota (state code 46, county code 102) and effective July 1, 2015, the Wade Hampton Census Area, Alaska (state code 02, county code 270) changed its name to the Kusilvak Census Area, Alaska (state code 02, county code 158).

A. Base Year Rents

For FY 2018 FMRs, HUD updates the base rents using the U.S. Census Bureau's 5-year ACS data collected between 2011 through 2015 (released in December of 2016). One of the changes proposed in the Changes to Methodology notice and adopted in this notice addresses the statistical reliability of the ACS data used in the FMR calculations. In prior years, HUD used ACS estimates where the margin of error of the estimate is less than half the size of the estimate itself. For FY 2018 FMRs, HUD now pairs this ''margin of error'' test with an additional test based on the number of survey observations supporting the estimate. The Census Bureau does not provide HUD with an exact count of the number of observations supporting the ACS estimate; rather, the Census Bureau provides HUD with categories of the number of survey responses underlying the estimate, including whether the estimate is based on more than 100 observations. Using these categories, HUD requires that, in addition to the ''margin of error'' test, ACS rent estimates must be based on at least 100 observations in order to be used as base rents.

For areas in which the 5-year ACS data for two-bedroom, standard quality gross rents do not pass the statistical reliability tests (*i.e.,* have a margin of error ratio greater than 50 percent or fewer than 100 observations), HUD will use an average of the base rents over the three most recent years (provided that there is data available for at least two of these years),[2] or if such data is not available, using the two-bedroom rent data within the next largest geographic area, which for a non-metropolitan area would be the state non-metro area rent data.

HUD has updated base rents each year based on new 5-year data since FY 2012, for which HUD used 2005–2009 ACS data. HUD is also updating base rents for Puerto Rico FMRs using the 2011–2015 Puerto Rico Community Survey (PRCS); HUD first updated the Puerto Rico base rents in FY 2014 based on 2007–2011 PRCS data collected through the ACS program.

HUD historically based FMRs on gross rents for recent movers (those who have moved into their current residence in the last 24 months) measured directly. However, due to the way Census constructs the 5-year ACS data, HUD developed a new method for calculating recent-mover FMRs in FY 2012, which HUD continues to use in FY 2018: HUD assigns all areas a base rent, which is the two-bedroom standard quality 5-year gross rent estimate from the ACS; then, because HUD's regulations mandate that FMRs must be published as recent mover gross rents, HUD applies a recent mover factor to the base rents assigned from the 5-year ACS data.[3] The calculation of the recent mover factor is described below.

B. Recent Mover Factor

Following the assignment of the standard quality two-bedroom rent described above, HUD applies a recent mover factor to these rents. HUD calculates the recent mover factor as the change between the 5-year 2011–2015 standard quality two-bedroom gross rent and the 1 year 2015 recent mover gross rent for the recent mover factor area. HUD does not allow recent mover factors to lower the standard quality base rent; therefore, if the 5-year standard quality rent is larger than the comparable 1-year recent mover rent, the recent mover factor is set to 1.

The calculation of the recent mover factor for FY 2018 contains several modifications that were proposed in the Changes to Methodology notice, and are now being adopted. The first change is the addition of a new test to determine the statistical reliability of the 1-year ACS recent mover data. The margin of error test is now paired with a count of observations test, similar to the test used for base rent data. Therefore, in order for a recent mover gross rent estimate to be

[2] For FY 2018, the three years of ACS data in question are 2013, 2014 and 2015. The 2013 data are adjusted to be denominated in 2015 dollars using the growth in CPI-based gross rents measured between 2013 and 2015. Similarly, the 2014 gross rent data is adjusted to 2015 denominated dollars using the growth in CPI-based gross rents measured between 2014 and 2015.

[3] HUD's regulations incorporate recent mover data into FMR calculations because the gross rents of those who most recently moved into their units likely depicts the most current market conditions observable through the ACS. Rents paid by renters renewing existing leases may not reflect the most current market conditions, in part because these renters may have clauses within their leases that predetermine the annual increases in rents paid (*i.e.,* rent escalator clauses).

considered statistically reliable, the estimate must have a margin of error ratio that is less than 50 percent, and the estimate must be based on 100 or more observations.

The second change incorporated into the FY 2018 recent mover factor calculation concerns the data used when an FMR area does not have statistically reliable two-bedroom recent mover data. In this circumstance, if the ''all-bedroom'' [4] 1-year recent mover ACS data for the FMR area is statistically reliable, HUD will use the ''all-bedroom'' data to calculate the recent mover factor instead of using two-bedroom data from the next larger geography. Incorporating ''all-bedroom'' rents into the recent mover factor calculation when statistically reliable two-bedroom data is not available preserves the use of local information to the greatest extent possible.

However, where statistically reliable ''all-bedroom'' data is not available, HUD will continue to base FMR areas' recent mover factors on larger geographic areas, following the same procedures as in FY 2017: HUD tests data from differently sized geographic areas in the following order (from small to large), and bases the recent mover factor on the first statistically reliable sample size.

- For metropolitan areas that are subareas of larger metropolitan areas, the order is the FMR area, metropolitan area, aggregated metropolitan parts of the state, and state.
- For metropolitan areas that are not divided, the order is the FMR area, aggregated metropolitan parts of the state, and state.
- In non-metropolitan areas, the order is the FMR area, aggregated non-metropolitan parts of the state, and state.

The process for calculating each area's recent mover factor is detailed in the FY 2018 FMR documentation system available at: *https://www.huduser.gov/portal/datasets/fmr.html#2018_query.* Applying the recent mover factor to the standard quality base rent produces an ''as of'' 2015 recent mover two-bedroom base gross rent for the FMR area.

C. Other Rent Survey Data

HUD calculated base rents for the insular areas using the 2010 decennial census of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands beginning with the FY 2016 FMRs.[5] This 2010 base year data was updated to 2013 for the FY 2016 FMRs and is updated through 2015 for the FY 2018 FMRs using national ACS data.

HUD does not use ACS data to establish the base rent or recent mover factor for 12 areas where the FY 2018 FMR was adjusted based on survey data:

- Survey data collected in 2014 is used to adjust the FMRs for three non-metropolitan counties in Vermont (Bennington County, Windham County and Windsor County).
- Survey data from 2015 is used to adjust the FMRs for Portland, OR and Oakland, CA.
- Survey data from 2016 is used to adjust the FMRs for Burlington, VT; Kauai County, HI; Maui County, HI; San Francisco, CA; Portland, ME; and Vallejo-Fairfield, CA.
- Survey data from 2017 is used to adjust the FMR for Santa Rosa, CA.

For larger metropolitan areas that have valid ACS one-year recent mover data, survey data may not be any older than the midpoint of the calendar year for the ACS one-year data. Since the ACS one-year data used for the FY 2018 FMRs is from 2015, larger areas may not use survey data collected before June 1, 2015 for the FY 2018 FMRs. Smaller areas without 1-year ACS data, including the above counties in Vermont, may continue to use local survey data until the mid-point of the 5-year ACS data is more recent than the local survey.[6]

D. Updates From 2015 to 2016 and Forecast to FY 2018

HUD updates the ACS-based ''as of'' 2015 rent through the end of 2016 using the annual change in gross rents measured through the CPI from 2015 to 2016 (CPI update factor). As in previous years, HUD uses local CPI data coupled with Consumer Expenditure Survey data for FMR areas with at least 75 percent of their population within Class A metropolitan areas covered by local CPI data. In FMR areas that don't meet this criterion, including Class B and C size metropolitan areas and non-metropolitan areas, HUD uses CPI data aggregated at the Census region level. Additionally, HUD is using CPI data collected locally in Puerto Rico as the basis for CPI adjustments from 2015 to 2016 for all Puerto Rico FMR areas.

Following the application of the appropriate CPI update factor, HUD trends the gross rent estimate from 2016 to FY 2018 using a national forecast of expected growth in gross rents. This forecast produces ''as of'' FY 2018 FMRs.

E. Bedroom Rent Adjustments

HUD updates the bedroom ratios used in the calculation of FMRs annually. The bedroom ratios which HUD used in the calculation of FY 2018 FMRs have been updated using average data from three five-year ACS data series (2009–2013, 2010–2014, and 2011–2015). The bedroom ratio methodology used in this update is unchanged from previous calculations using 2000 Census data. HUD only uses estimates with a margin of error ratio of less than 50 percent. If an area does not have reliable estimates in at least two of the previous three ACS releases, bedroom ratios for the area's larger parent geography are used.

HUD uses two-bedroom units for its primary calculation of FMR estimates. This is generally the most common size of rental unit and, therefore, the most reliable to survey and analyze. After estimating two-bedroom FMRs, HUD calculates bedroom ratios for each FMR area which relate the prices of smaller and larger units to the cost of two-bedroom units. To prevent illogical results in particular FMR areas, HUD establishes bedroom interval ranges which set upper and lower limits for bedroom ratios nationwide, based on an analysis of the range of such intervals for all areas with large enough samples to permit accurate bedroom ratio determinations.

In the calculation of FY 2018 FMR estimates, HUD set the bedroom interval ranges as follows: Efficiency FMRs are constrained to fall between 0.64 and 0.85 of the two-bedroom FMR; one-bedroom FMRs must be between 0.75 and 0.87 of the two-bedroom FMR; three-bedroom FMRs (prior to the adjustments described below) must be between 1.15 and 1.34 of the two-bedroom FMR; and four-bedroom FMRs (again, prior to adjustment) must be between 1.26 and 1.64 of the two-bedroom FMR. Given that these interval ranges partially overlap across bedroom sizes, HUD further adjusts bedroom ratios for a given FMR area, if necessary, to ensure that higher bedroom-count units have higher rents than lower bedroom-count units within that area. The bedroom ratios for Puerto Rico follow these constraints.

[4] ''All-bedroom'' refers to estimates aggregated together regardless of the number of bedrooms in the dwelling unit.

[5] The ACS is not conducted in the Pacific Islands (Guam, Northern Marianas and American Samoa) or the US Virgin Islands. As part of the 2010 Decennial Census, the Census Bureau conducted ''long-form'' sample surveys for these areas. The results gathered by this long form survey have been incorporated into the FY 2018 FMRs.

[6] The 2012–2016 5-Year ACS data and the 2016 1-Year ACS data will be used to calculate the FY 2019 FMRs. These data will be more current than the 2014 data from the Vermont survey areas and the 2015 survey data in Portland, OR and Oakland, CA. Consequently, the 2016 ACS information will be used to calculate FMRs in these areas in FY 2019.

HUD also further adjusts the rents for three-bedroom and larger units to reflect HUD's policy to set higher rents for these units.[7] This adjustment is intended to increase the likelihood that the largest families, who have the most difficulty in leasing units, will be successful in finding eligible program units. The adjustment adds 8.7 percent to the unadjusted three-bedroom FMR estimates and adds 7.7 percent to the unadjusted four-bedroom FMR estimates.

HUD derives FMRs for units with more than four bedrooms by adding 15 percent to the four-bedroom FMR for each extra bedroom. For example, the FMR for a five-bedroom unit is 1.15 times the four-bedroom FMR, and the FMR for a six-bedroom unit is 1.30 times the four-bedroom FMR. Similarly, HUD derives FMRs for single-room occupancy units by subtracting 25 percent from the zero-bedroom FMR (*i.e.,* they are set at 0.75 times the zero-bedroom (efficiency) FMR).[8]

F. Limit on FMR Decreases

Within the Small Area FMR final rule published on November 16, 2016, HUD amended 24 CFR 888.113 to include a limit on the amount that FMRs may annually decrease. The current year's FMRs resulting from the application of the bedroom ratios, as discussed in section (E) above, may be no less than 90 percent of the prior year's FMRs for units with the same number of bedrooms. Accordingly, if the current year's FMRs are less than 90 percent of the prior year's FMRs as calculated by the above methodology, HUD sets the current year's FMRs equal to 90 percent of the prior year's FMRs. For areas using Small Area FMRs in the administration of their voucher programs (*i.e.,* Dallas and the demonstration PHAs who opted to continue using Small Area FMRs), the FY 2018 Small Area FMRs may be no less than 90 percent of the FY 2017 Small Area FMRs. For all other metropolitan areas, for which Small Area FMRs are calculated so that they may be used for other allowable purposes if desired (*e.g.,* exception payment standards, public housing flat rents), the FY 2018 Small Area FMRs may be no less than 90 percent of the FY 2017 metropolitan area-wide FMRs.

IV. Manufactured Home Space Surveys

HOTMA changed the manner in which vouchers are used to subsidize manufactured home units. Please see HUD's Notice from January 18, 2017 (82 FR 5458) for more detailed information concerning the use of vouchers for manufactured home units. Due to the nature of these changes, HUD will no longer be publishing exception rents for Manufactured Home Space pad rents.

V. Small Area FMRs

PHAs in the Dallas, TX HUD Metro FMR Area (HMFA) [9] continue to use Small Area FMRs per the terms of a court-entered settlement. These Small Area FMRs are listed in the Schedule B addendum. Other metropolitan PHAs interested in using Small Area FMRs in the operation of their Housing Choice Voucher program should contact their local HUD field office to request approval from HUD to do so.

As proposed in the Changes to Methodology notice, HUD is also making changes in the manner in which FY 2018 Small Area FMRs are calculated. In order to use more local data, HUD is calculating Small Area FMRs directly from the standard quality gross rents provided to HUD by the Census Bureau for ZIP Code Tabulation Areas (ZCTAs), when such data is statistically reliable, instead of using the current rent ratio calculation. The ZCTA two-bedroom equivalent 40th percentile gross rent is analogous to the standard quality base rents set for metropolitan areas and non-metropolitan counties. For each ZCTA with statistically reliable gross rent estimates, using the expanded test of statistical reliability noted previously in this notice (*i.e.,* estimates with margins of error ratios below 50 percent and based on at least 100 observations), HUD will calculate a two-bedroom equivalent 40th percentile gross rent using the first statistically reliable gross rent distribution data from the following data sets (in this order): two-bedroom gross rents, one-bedroom gross rents, and three-bedroom gross rents. If either the one-bedroom or three-bedroom gross rent data is used because the two-bedroom gross rent data is not statistically reliable, the one-bedroom or three-bedroom 40th percentile gross rent will be converted to a two-bedroom equivalent rent using the bedroom ratios for the ZCTA's parent metropolitan area. In order to add increased stability to these Small Area FMR estimates, HUD will average the latest three years of gross rent estimates.[10]

For ZCTAs without usable gross rent data by bedroom size, HUD will continue to calculate Small Area FMRs using the rent ratio method similar to that HUD has used in past Small Area FMR calculations. To calculate Small Area FMRs using a rent ratio, HUD divides the median gross rent across all bedrooms for the small area (a ZIP code) by the similar median gross rent for the metropolitan area of the ZIP code. In small areas where the median gross rent is not statistically reliable, HUD substitutes the median gross rent for the county containing the ZIP code in the numerator of the rent ratio calculation. HUD multiplies this rent ratio by the current two-bedroom rent for the metropolitan area containing the small area to generate the current year two-bedroom rent for the small area.

Similar to other changes described in this notice, HUD is changing the linkage between the small area and its containing metropolitan area as proposed in the May 26, 2017 **Federal Register** notice. For FY 2018 HUD is linking each ZCTA to its published FMR area; that is, each ZCTA is linked to its parent HMFA, if it exists, rather than link the ZCTA to its parent OMB-defined metropolitan area (Core-Based Statistical Area, or CBSA) as was previously done. If no parent HUD FMR area exists, the ZCTA will continue to be linked to its parent CBSA. This change is implemented to take advantage of the more localized recent mover factors for subareas of OMB-defined metropolitan areas when available.

As in FY 2017, HUD continues to use a rolling average of ACS data in calculating the Small Area FMR rent ratios. HUD believes coupling the most current data with previous year's data minimizes excessive year-to-year variability in Small Area FMR rent ratios due to sampling variance. Therefore, for FY 2018 Small Area FMRs, HUD has updated the rent ratios to use an average of the rent ratios calculated from the 2009–2013, 2010–2014, and 2011–2015 5-year ACS estimates.

VI. Request for Public Comments and FMR Reevaluations

HUD will continue to accept public comments on the methods HUD uses to calculate FY 2018 FMRs, including

[7] As mentioned above, HUD applies the interval ranges for the three-bedroom and four-bedroom FMR ratios prior to making these adjustments. In other words, the adjusted three- and four-bedroom FMRs can exceed the interval ranges, but the unadjusted FMRs cannot.

[8] As established in the interim rules implementing the provisions of the Quality Housing and Work Responsibility Act of 1998 (Title V of the FY 1999 HUD Appropriations Act; Pub. L. 105–276). In 24 CFR 982.604.

[9] The Dallas, TX HMFA is also known as the Dallas-Plano-Irving, Texas Metro Division. This area is comprised of the following Texas counties: Collin, Dallas, Denton, Ellis, Hunt, Kaufman, and Rockwall.

[10] For example, for FY 2018 FMRs using this methodology, HUD would average the gross rents from 2013, 2014 and 2015 5-Year ACS estimates. The 2013 and 2014 gross rent estimates would be adjusted to 2015 dollars using the metropolitan area's gross rent CPI adjustment factors.

Small Area FMRs and the FMR levels for specific areas. Due to its current funding levels, HUD no longer has sufficient resources to conduct local surveys of rents to address comments filed regarding the FMR levels for specific areas. PHAs may continue to fund such surveys independently, as specified below, using administrative fees if they so choose.) HUD continually strives to calculate FMRs that meet the statutory requirement of using ''the most recent available data'' while also serving as an effective program parameter.

PHAs or other interested parties interested in requesting HUD reevaluation of its FY 2018 FMRs, as provided for under section 8(c)(1)(B) of USHA, must follow the following procedures:

1. By the end of the comment period, such reevaluation requests must be submitted publicly through *www.regulations.gov* or directly to HUD as described above. PHAs representing at least half of the voucher tenants in multijurisdictional areas must agree that the re-evaluation is necessary.

2. In order for a reevaluation to occur, the requestor(s) must supply HUD with data more recent than the 2015 American Community Survey data used in the calculation of the FY 2018 FMRs. HUD requires data on gross rents paid in the FMR area for standard quality rental housing units. The data delivered must be sufficient for HUD to calculate a 40th and 50th percentile two-bedroom rent. Should this type of data not be available, requestors may gather this information using the survey guidance available at *https://www.huduser.gov/portal/datasets/fmr/NoteRevisedAreaSurveyProcedures.pdf* and *https://www.huduser.gov/portal/datasets/fmr/PrinciplesforPHA-ConductedAreaRentSurveys.pdf.*

3. On or about October 3, HUD will post a list, at *https://www.huduser.gov/portal/datasets/fmr.html,* of the areas requesting reevaluations and where FY 2017 FMRs remain in effect.

4. Data for reevaluations must be supplied to HUD no later than Friday January 5, 2018. On Monday January 8, 2018, HUD will post at *https://www.huduser.gov/portal/datasets/fmr.html* a listing of the areas failing to deliver data and making the FY 2018 FMRs effective in these areas.

5. HUD will use the data delivered by January 5, 2018 to reevaluate the FMRs and following the reevaluation, will post revised FMRs with an accompanying **Federal Register** notice stating the revised FMRs are available, which will include HUD responses to comments filed during the comment period.

6. Any data supporting a change in FMRs supplied after January 5, 2018 will be incorporated into FY 2019 FMRs.

7. PHAs operating in areas where the calculated FMR is lower than the published FMR (*i.e.,* those areas where HUD has limited the decrease in the annual change in the FMR to 10 percent) may request payment standards below the basic range (24 CFR 982.503(d)) and reference the ''unfloored'' rents (*i.e.,* the unfinalized FMRs calculated by HUD prior to application of the 10-percent-decrease limit) depicted in the FY 2018 FMR Documentation System (available at: *https://www.huduser.gov/portal/datasets/fmr.html#2018_query).*

Questions on how to conduct FMR surveys may be addressed to Marie L. Lihn or Peter B. Kahn of the Economic and Market Analysis Division, Office of Economic Affairs, Office of Policy Development and Research at HUD headquarters, 451 7th Street SW., Room 8208, Washington, DC 20410; telephone number 202–402–2409 (this is not a toll-free number), or they may be reached at *emad-hq@hud.gov.*

For small metropolitan areas without one-year ACS data and non-metropolitan counties, HUD has developed a method using mail surveys that is discussed on the FMR Web page: *https://www.huduser.gov/portal/datasets/fmr.html#fmrsurvey.* This method allows for the collection of as few as 100 one-bedroom, two-bedroom and three-bedroom recent mover (tenants that moved in last 24 months) units.

While HUD has not developed a specific method for mail surveys in areas with 1-year ACS data, HUD would apply the standard established for Random-Digit Dialing (RDD) telephone rent surveys. HUD will evaluate these survey results to determine whether they would establish a new FMR statistically different from the current FMR, which means that the survey confidence interval must not include the FMR. The survey should collect results based on 200 one-bedroom and two-bedroom eligible recent mover units to provide a small enough confidence interval for significant results in large market mail surveys. Areas with statistically reliable 1-year ACS data are not considered to be good candidates for local surveys due to the size and completeness of the ACS process.

Other survey methods are acceptable in providing data to support reevaluation requests if the survey method can provide statistically reliable, unbiased estimates of the gross rent of the entire FMR area. In general, recommendations for FMR changes and supporting data must reflect the rent levels that exist within the entire FMR area and should be statistically reliable.

PHAs in non-metropolitan areas may, in certain circumstances, conduct surveys of groups of counties. HUD must approve all county-grouped surveys in advance. PHAs are cautioned that the resulting FMRs may not be identical for the counties surveyed; each individual FMR area will have a separate FMR based on the relationship of rents in that area to the combined rents in the cluster of FMR areas. In addition, PHAs are advised that in counties where FMRs are based on the combined rents in the cluster of FMR areas, HUD will not revise their FMRs unless the grouped survey results show a revised FMR statistically different from the combined rent level.

Survey samples should preferably be randomly drawn from a complete list of rental units for the FMR area. If this is not feasible, the selected sample must be drawn to be statistically representative of the entire rental housing stock of the FMR area. Surveys must include units at all rent levels and be representative by structure type (including single-family, duplex, and other small rental properties), age of housing unit, and geographic location. The current 5-year ACS data should be used as a means of verifying if a sample is representative of the FMR area's rental housing stock.

A PHA or contractor that cannot obtain the recommended number of sample responses after reasonable efforts should consult with HUD before abandoning its survey; in such situations, HUD may find it appropriate to relax normal sample size requirements.

HUD has developed guidance on how to provide data-supported comments on Small Area FMRs using HUD's special tabulations of the distribution of gross rents by bedroom unit size for ZIP Code Tabulation Areas. This guidance is available at *https://www.huduser.gov/portal/datasets/fmr.html* in the FY 2018 FMR section and should be used by interested parties in commenting on whether or not the level of Small Area FMRs are too high or too low (*i.e.,* Small Area FMRs that are larger than the gross rent necessary to make 40 percent of the units accessible for an individual zip code or that are smaller than the gross rent necessary to make 40 percent of the units accessible for a given zip code). HUD will post revised Small Area FMRs after confirming commenters' calculations.

As stated earlier in this notice, HUD is required to use the most recent data

available when calculating FMRs. Therefore, in order to re-evaluate an area's FMR, HUD requires more current rental market data than the 2015 ACS. HUD encourages a PHA or other interested party that believes the FMR in their area is incorrect to file a comment even if they do not have the resources to provide market-wide rental data. In these instances, HUD will use the comments, should survey funding be restored, when determining the areas HUD will select for HUD-funded local area rent surveys.

VII. Public Comments on the May 26, 2017 Proposed FMR Change Notice

As noted above, HUD received 22 comments on the Changes to Methodology notice. Most of the comments that addressed the proposed methodology changes responded favorably to the changes. Commenters choosing to address these methodological changes were ''cautiously optimistic'' about these changes. However, one commenter specifically opposed the use of ''all bedroom'' rents for the recent mover factor while another commenter specifically supports the use of ''all bedroom'' recent mover rents.

Based on the limited comments received on the proposed methodology changes, which are generally favorable to HUD's proposed changes, HUD has decided to implement each of the proposed methodological changes in the calculation of the FY 2018 FMRs.

The following summaries of comments and responses also include responses to other comments regarding the calculation of FMRs that were not responsive to the specific methodology changes.

A. Timeliness and Data Sources

Comments: A significant number of commenters offered comments on the timeliness of the data HUD uses in the calculation of FMRs and urged HUD to consider conducting local surveys or otherwise compile its own source of national survey data.

HUD Response: Generally, HUD uses the American Community Survey (ACS) as the primary source of data to calculate FMRs. The ACS is the only known source of data from which HUD may calculate a 40th percentile gross rent paid by recent movers in each FMR area. For the FY 2018 FMRs, the most current ACS data was collected in 2015. The 2015 survey responses are aggregated and analyzed by the Census Bureau during 2016 and are released in September and December 2016. There is no more current data on the level of gross rents paid available during 2017 when HUD is calculating the FMRs for the upcoming fiscal year.

HUD augments the data on gross rents paid collected through the ACS by the change in gross rents measured through the Consumer Price Index (CPI) which captures the change in gross rents between 2015 and 2016. In order to measure the change in gross rents, HUD constructs a gross rent index using 2 CPI components—Rent of Primary Residence, and Housing—Fuels and Utilities. These gross rent change factors are calculated for local metropolitan areas and where metropolitan data does not exist, HUD uses data available at the Census regional level. The local data utilized in this process covers approximately 46 percent of the national population.

Finally, for FY 2018, HUD continues to use HUD's nationwide forecast of expected growth in gross rents. HUD continues to explore forecasting expected changes in gross rents for metropolitan areas; however, HUD has yet to generate forecasts that consistently provide better estimates across all localities. While HUD continues to improve the quality of its local forecasts, HUD will explore if other sources of data provide more timely update factors than those calculated from the CPI.

HUD has carefully considered the comments concerning HUD conducting local rent surveys. The Federal Government currently makes a significant investment in collecting socio-economic data through the Census Bureau's American Community Survey. Since the ACS is the replacement for the decennial census long form survey, households receiving the survey are compelled to complete it; consequently, the ACS has far superior response rates and quality controls embedded in the data processing than HUD could achieve in any survey program it could construct. Therefore, HUD believes that is a waste of Federal resources to duplicate the efforts of the ACS.

Comment: HUD's FMRs should be calculated based on average rents per square foot with adjustments for local rental market conditions.

HUD Response: Average rent per square foot may be a commonly available statistic in some markets and may provide some additional information regarding rental market conditions in those markets; however, without the underlying data used to calculate the average rent per square foot statistic, HUD is unable to calculate a 40th or 50th percentile rent. Furthermore, attempting to incorporate rent per square foot metrics into the FMR calculations would introduce additional complications in determining gross rents.

Comment: Multiple commenters suggested that HUD use data from Comprehensive Housing Market Analysis reports conducted by HUD's field economists in the FMR calculations.

HUD Response: The data used in HUD's Comprehensive Housing Market Analysis reports generally captures asking rents for newly constructed Class A rental units in large housing complexes. These data are not appropriate for setting Fair Market Rents for several reasons. First, asking rents typically do not equate to recent mover gross rent paid. Additionally, Class A apartment rental rates are generally not representative of the gross rents available across the entire rental stock of an FMR area. However, as stated earlier, HUD will investigate if there are more current and local sources of data that could replace the CPI based update factors currently used in the FMR calculations.

B. Comments on Proposed Changes

Comment: The changes to the calculation of Small Area FMRs directly from the ZCTA data are welcomed; however, HUD should aggregate ZCTAs to get to a statistically reliable estimate rather than move to the county level ratios.

HUD Response: HUD's use of the county level ratios as a proxy for the ZCTA level FMRs when there is not statistically reliable data is in line with HUD's policy for moving to the next higher encompassing geography for calculating FMRs. Aggregating ZCTAs presents a myriad of challenges that cannot be addressed quickly. HUD will study what options may be available for proxies to ZCTA level rents when the ZCTA data are not statistically reliable. If HUD finds a suitable method, HUD will propose this in a future notice of proposed FMR changes.

Comment: Several commenters suggested that following a successful FMR ''appeal'', HUD should immediately move to change a PHA's HAP amount.

HUD Response: HUD incorporates all of the reevaluated FMRs in the first calculation of Renewal Funding Inflation Factors following the effective date of the reevaluated FMRs.

Comment: HUD should review the bedroom ratio calculations, with a specific review of the 3-bedroom and 4-bedroom bonuses incorporated into the bedroom ratio calculations.

HUD Response: HUD updates the bedroom ratio calculations each year, incorporating the most current ACS data

into the process. The ratios are bounded and limited so that standard relationships are maintained (*i.e.* 0-bedroom ratios are not larger than 1-bedroom ratios, etc.). HUD maintains that its policy of providing bonuses for 3- and 4-bedroom units allows voucher families to be more competitive for these scarce larger rental dwelling units. PHAs not having difficulty placing families in large units may use payment standard flexibility to set 3- and 4-bedroom payment standards lower relative to the FMRs than other payment standards, or use the unadjusted 3- and 4-bedroom FMRs as the basis for exception payment standard requests of less than 90 percent of these FMRs.

Comment: Several commenters suggested that HUD should do a better job of forward trending FMR estimates.

HUD Response: As stated earlier, HUD continues to refine its forecasting of expected changes in gross rents at the metropolitan area level. In addition, HUD will explore the use of alternative measures of rental market growth that may be available.

C. Other Issues

Comment: The geographic area definitions used in certain areas of Puerto Rico are not contiguous and should be reviewed. Once the area definitions are reviewed, the comment requests HUD to undertake local rent surveys for the new areas and publish FMRs based on these new areas and survey data. Furthermore, the commenter expressed concern about the high cost of utilities not being incorporated into the FMRs.

HUD Response: HUD will review the area definitions in Puerto Rico and will determine if sufficient data exists within the Puerto Rico Community Survey (PRCS) to allow HUD to adjust the discontiguous areas. If changes are possible, HUD will propose them in a future FMR methodology change **Federal Register** notice. HUD is reliant on the PRCS data as HUD does not have the funding necessary to conduct its own local rent surveys. In past years, HUD incorporated an additional utility cost adjustment into the calculation of FMRs; however, the Consumer Price Index (CPI) data collected within Puerto Rico never measured an increase in expenditures in fuels and utilities associated with housing. HUD is using CPI data collected in Puerto Rico through the end of 2016, which includes the December 2016 electricity costs cited by the commenter.

Comment: Single Room Occupancy Rents in New Hampshire are too low.

HUD Response: HUD regulations at 24 CFR 888.113(f)(2) set the Single Room Occupancy FMR at 75 percent of the 0-bedroom FMR. HUD updates the bedroom ratios used to calculate the 0-, 1-, 3-, and 4-bedroom FMRs annually using the most current data available.

Comment: The FMRs and Small Area FMRs are too high. Data was submitted to waive the use of these FMRs, but no response from HUD has been received.

HUD Response: This is likely a Public Housing Flat Rent exception rent request which is not handled by the HUD office that calculates FMRs. Public Housing Flat Rent exception rent requests are processed by HUD's Office of Public and Indian Housing. HUD recommends the commenter reach out to their local PIH representative for a status update.

VIII. Environmental Impact

This Notice involves the establishment of FMR schedules, which do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this Notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Accordingly, the Fair Market Rent Schedules, which will not be codified in 24 CFR part 888, are available at *https://www.huduser.gov/portal/datasets/fmr.html.*

Dated: August 22, 2017.

Todd M. Richardson,

Deputy Assistant, Secretary, Office of Policy Development, Office of Policy Development and Research.

Fair Market Rents for the Housing Choice Voucher Program

Schedule B—General Explanatory Notes

1. Geographic Coverage

a. Metropolitan Areas—Most FMRs are market-wide rent estimates that are intended to provide housing opportunities throughout the geographic area in which rental-housing units are in direct competition. HUD is using the metropolitan CBSAs, which are made up of one or more counties, as defined by OMB, with some modifications. HUD is generally assigning separate FMRs to the component counties of CBSA Micropolitan Areas.

b. Modifications to OMB Definitions—Following OMB guidance, the estimation procedure for the FY 2018 FMRs incorporates the OMB definitions of metropolitan areas based on the CBSA standards as implemented with 2000 Census data and updated by the 2010 Census in February 28, 2013. The adjustments made to the 2000 definitions to separate subparts of these areas where FMRs or median incomes would otherwise change significantly are continued. To follow HUD's policy of providing FMRs at the smallest possible area of geography, no counties were added to existing metropolitan areas due to recent updates in metropolitan area definitions. All counties added to metropolitan areas by the CBSA will still be treated as separate counties for FMR calculations; that is, the rents from a county that is a sub-area will not be used in the remaining metropolitan sub-area rent determination. All metropolitan areas that have been subdivided by HUD will use ACS data which conforms to HUD's area definition if statistically reliable information exists. If statistically reliable data for the HUD defined area is not available, HUD uses information from larger encompassing geographies, as described elsewhere in this notice.

The specific counties and New England towns and cities within each state in MSAs and HMFAs were not changed by the February 28, 2013 OMB metropolitan area definitions. These areas are listed in Schedule B, available online at *https://www.huduser.gov/portal/datasets/fmr.html.*

2. Unit Bedroom Count Adjustments

Schedule B, available at *https://www.huduser.gov/portal/datasets/fmr.html,* shows the FMRs for zero-bedroom through four-bedroom units. The Schedule B addendum shows Small Area FMRs for all PHAs operating using Small Area FMRs (please see section V of this notice for a list of participating PHAs). The FMRs for unit sizes larger than four bedrooms may be calculated by adding 15 percent to the four-bedroom FMR for each extra bedroom. For example, the FMR for a five-bedroom unit is 1.15 times the four-bedroom FMR, and the FMR for a six-bedroom unit is 1.30 times the four-bedroom FMR. FMRs for single-room-occupancy (SRO) units are 0.75 times the zero-bedroom FMR.

3. Arrangement of FMR Areas and Identification of Constituent Parts

a. The FMR areas in the online Schedule B are listed alphabetically by metropolitan FMR area and by non-metropolitan county within each state and are available at *https://www.huduser.gov/portal/datasets/fmr.html.*

b. The constituent counties (and New England towns and cities) included in each metropolitan FMR area are listed immediately following the listings of the FMR dollar amounts. All constituent parts of a metropolitan FMR area that

are in more than one state can be identified by consulting the listings for each applicable state.

c. Two non-metropolitan counties are listed alphabetically on each line of the non-metropolitan county listings.

d. The New England towns and cities included in a non-metropolitan county are listed immediately following the county name.

[FR Doc. 2017–18431 Filed 8–31–17; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R3–ES–2017–N100; FXES11130300000–178–FF03E00000]

Endangered and Threatened Wildlife and Plants; Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to enhance the survival of endangered or threatened species. Federal law prohibits certain activities with endangered species unless a permit is obtained.

DATES: We must receive any written comments on or before October 2, 2017.

ADDRESSES: Send written comments by U.S. Mail to the Regional Director, Attn: Carlita Payne, U.S. Fish and Wildlife Service, Ecological Services, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458; or by electronic mail to *permitsR3ES@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Carlita Payne, (612) 713–5343.

SUPPLEMENTARY INFORMATION: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for a permit to conduct activities intended to enhance the survival of endangered or threatened species. Federal law prohibits certain activities with endangered species unless a permit is obtained.

Background

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA), prohibits certain activities with endangered and threatened species unless the activities are specifically authorized by a Federal permit. The ESA and our implementing regulations in part 17 of title 50 of the Code of Federal Regulations (CFR) provide for the issuance of such permits and require that we invite public comment before issuing permits for activities involving endangered species.

A permit granted by us under section 10(a)(1)(A) of the ESA authorizes the permittee to conduct activities with U.S. endangered or threatened species for scientific purposes, enhancement of propagation or survival, or interstate commerce (the latter only in the event that it facilitates scientific purposes or enhancement of propagation or survival). Our regulations implementing section 10(a)(1)(A) of the ESA for these permits are found at 50 CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications Available for Review and Comment

We invite local, State, Tribal, and Federal agencies and the public to comment on the following applications. Please refer to the permit number when you submit comments. Documents and other information the applicants have submitted with the applications are available for review, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and Freedom of Information Act (5 U.S.C. 552).

Permit Applications

Proposed activities in the following permit requests are for the recovery and enhancement of survival of the species in the wild.

Application No.	Applicant	Species	Location	Activity	Type of take	Permit action
TE36875C	Gregory Gerke, Carmel, IN.	Rusty patched bumble bee (*Bombus affinis*).	Indiana	Conduct presence/absence surveys	Capture, handle, release.	New.
TE37601C	Emilie Snell-Rood, Saint Paul, MN.	Rusty patched bumble bee (*Bombus affinis*).	Minnesota	Conduct presence/absence surveys, document habitat use.	Capture, handle, release.	New.
TE64070B	SWCA Inc., Bismarck, ND.	Rusty patched bumble bee (*Bombus affinis*), Dakota skipper (*Hesperia dacotae*), poweshiek skipperling (*Oarisma poweshiek*).	Illinois, Indiana, Iowa,. Maine, Massachusetts, Minnesota,. Ohio, Virginia, Wisconsin.	Conduct presence/absence surveys	Capture, handle, release.	Amend, renew.
TE40247C	Minnesota Department of Natural Resources, Saint Paul, MN.	Rusty patched bumble bee (*Bombus affinis*).	Minnesota	Conduct presence/absence surveys	Capture, handle, release.	New.
TE41469C	G.E.I. Consultants, Inc., Green Bay, WI.	Kirtland's warbler (*Setophaga kirtlandii*).	Wisconsin	Conduct presence/absence surveys	Harass, use bird call recordings.	New.

Public Availability of Comments

We seek public review and comments on these permit applications. Please refer to the permit number when you submit comments. Comments and materials we receive in response to this notice are available for public inspection, by appointment, during normal business hours at the address listed in **ADDRESSES**.

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.

Authority

We provide this notice under section 10 of the ESA (16 U.S.C. 1531 *et seq.*).

Dated: June 29, 2017.

Sean O. Marsan,

Acting Assistant Regional Director, Ecological Services, Midwest Region.

[FR Doc. 2017–18568 Filed 8–31–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Docket No. ONRR–2012–0003, DS63600000 DR2000000.PMN000 178D0102R2]

Royalty Policy Committee; Public Meeting

AGENCY: Office of Natural Resources Revenue, Interior.

ACTION: Notice.

SUMMARY: This notice announces the first meeting of the Royalty Policy Committee (Committee). This meeting is open to the public.

DATES: The Committee meeting will be held on Wednesday, October 4, 2017, in Washington, DC, from 9:00 a.m. to 4:00 p.m. Eastern Time.

ADDRESSES: The Committee meeting will be held in the South Penthouse of the Stewart Lee Udall Department of the Interior Building located at 1849 C Street NW., Washington, DC 20240. Members of the public may attend in person or view documents and presentations under discussion via WebEx at *http://bit.ly/1cR9W6t* and listen to the proceedings at telephone number 1–888–455–2910 or International Toll number 210–839–8953 (passcode: 7741096).

FOR FURTHER INFORMATION CONTACT: Ms. Kim Oliver, Office of Natural Resources Revenue at (202) 513–0370 or email to *rpc@ios.doi.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Department of the Interior established the Committee on April 21, 2017, under the authority of the Secretary of the Interior and regulated by the Federal Advisory Committee Act. The purpose of the Committee is to ensure that the public receives the full value of the natural resources produced from Federal lands. The duties of the Committee are solely advisory in nature. More information about the Committee, including its charter, is available at *www.doi.gov/rpc.*

Meeting Agenda: At the October 4, 2017 meeting, the Committee may discuss and agree on first-year priority issues and establish goals; adopt a timeline for future meetings and actions to be taken in order to achieve Committee goals; and finalize subcommittee tasks and membership. The final agenda and meeting materials will be posted on the Committee Web site at *www.doi.gov/rpc.* All Committee meetings are open to the public.

Whenever possible, we encourage those participating by telephone to gather in conference rooms in order to share teleconference lines. Please plan to dial into the meeting and/or log into WebEx at least 10–15 minutes prior to the scheduled start time in order to avoid possible technical difficulties. We will accommodate individuals with special needs whenever possible. If you require special assistance (such as an interpreter for the hearing impaired), please notify Interior staff in advance of the meeting at 202–513–0370 or email to *rpc@ios.doi.gov.*

We will post the minutes from these proceedings on the Committee Web site at *www.doi.gov/rpc* and they will also be available for public inspection and copying at our office at the Stewart Lee Udall Department of the Interior Building in Washington, DC, by contacting Interior staff via email to *rpc@ios.doi.gov* or via telephone at 202–513–0370.

Members of the public may choose to make a public comment during the designated time for public comments. Members of the public may also choose to submit written comments by mailing them to the Office of Natural Resources Revenue, Attention: RPC, 1849 C Street NW., MS 5134, Washington DC 20240. You also can email your written comments for Kim Oliver to *rpc@ios.doi.gov.* Comments that you submit in response to this notice are a matter of public record.

Public Disclosure Of Comments: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2.

Dated: August 28, 2017.

Vincent DeVito,

Counselor to the Secretary for Energy Policy.

[FR Doc. 2017–18635 Filed 8–31–17; 8:45 am]

BILLING CODE 4310–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[XXXD5198NI DS61100000 DNINR0000.000000 DX61104]

Exxon Valdez Oil Spill Public Advisory Committee; Public Meeting

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: The Department of the Interior, Office of the Secretary is announcing a public meeting of the *Exxon Valdez* Oil Spill (EVOS) Trustee Council's Public Advisory Committee.

DATES: September 28, 2017, at 10 a.m.

ADDRESSES: Glenn Olds Hall Conference Room, 4210 University Drive, Anchorage, Alaska.

FOR FURTHER INFORMATION CONTACT: Dr. Philip Johnson, Department of the Interior, Office of Environmental Policy and Compliance, 1689 ''C'' Street, Suite 119, Anchorage, Alaska, (907) 271–5011.

SUPPLEMENTARY INFORMATION: The EVOS Public Advisory Committee was created by Paragraph V.A.4 of the Memorandum of Agreement and Consent Decree entered into by the United States of America and the State of Alaska on August 27, 1991, and approved by the United States District Court for the District of Alaska in settlement of *United States of America* v. *State of Alaska,* Civil Action No. A91–081 CV. The EVOS Public Advisory Committee meeting agenda will include review of the FY18 Work Plan of EVOS Trustee Council Restoration, Research, and Monitoring Projects; FY18 EVOS Trustee Council Annual Budget; and Habitat matters, as applicable. An opportunity for public comments will be provided. The final agenda and materials for the meeting will be posted on the EVOS Trustee Council Web site at *www.evostc.state.ak.us.* All EVOS Public Advisory Committee meetings are open to the public.

Public disclosure of comments: Before including your address, phone number, email address, or other personal identifying information in your comment, please be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 5 U.S.C. Appendix 2.

Michaela Noble,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 2017–18526 Filed 8–31–17; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWY922000–L13200000–EL0000–17X, WYW185631]

Notice of Invitation To Participate; Coal Exploration License Application WYW185631, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to the Mineral Leasing Act of 1920, as amended by the Federal Coal Leasing Amendments Act of 1976, and the Bureau of Land Management (BLM) regulations, all interested parties are hereby invited to participate with Bridger Coal Company on a pro rata cost-sharing basis, in its program for the exploration of coal deposits owned by the United States of America in Sweetwater County, Wyoming.

DATES: This notice of invitation will be published in the *Rock Springs Rocket-Miner* once each week for two consecutive weeks beginning the week of September 1, 2017. Any party electing to participate in this exploration program must send written notice to both the BLM and Bridger Coal Company, as provided in the **ADDRESSES** section below, no later than October 2, 2017.

ADDRESSES: Copies of the exploration plan are available for review during normal business hours in the following offices (serialized under number WYW185631): BLM, Wyoming State Office, 5353 Yellowstone Road, Cheyenne, Wyoming 82009; and, BLM, Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming 82901. The written notice should be sent to the following addresses: Bridger Coal Company, c/o Interwest Mining Co., Attn: Scott M. Child, 1407 W. North Temple, #310, Salt Lake City, UT 84116 and the BLM Wyoming State Office, Branch of Solid Minerals, Attn: Jackie Madson, P.O. Box 1828, Cheyenne, Wyoming 82003.

FOR FURTHER INFORMATION CONTACT: Jackie Madson, Land Law Examiner, at 307–775–6258 or *jmadson@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Bridger Coal Company has applied to the BLM for a coal exploration license on public land to the northwest of the Jim Bridger power plant and underground coal mine. The purpose of the exploration program is to obtain structural and quality information on the coal. The BLM regulations at 43 CFR 3410.2 require the publication of an invitation to participate in the coal exploration in the **Federal Register**. The Federal coal resources included in the exploration license application are located in the following described lands in Wyoming:

Sixth Principal Meridian, Wyoming

T. 21 N., R. 101 W.,
sec. 4;
sec. 8, NE1/4, E1/2NW1/4.
T. 22 N., R. 101 W.,
sec. 28, lots 5 thru 7, 10 thru 14, and NW1/4SE1/4;
sec. 32, lots 1, 2, 7 thru 10, 14, and 15.
The area described contains 1,560.85 acres.

The proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the BLM.

Authority: 43 CFR 3410.2–1(c)(1).

Mary Jo Rugwell,

State Director.

[FR Doc. 2017–18505 Filed 8–31–17; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNVB00000.L51100000GN0000LVEMF 1604460.211B.16XMO#4500106342]

Notice of Availability of the Draft Environmental Impact Statement for the Proposed Greater Phoenix Project, Lander County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Mount Lewis Field Office, Battle Mountain, Nevada, has prepared a Draft Environmental Impact Statement (EIS) and is announcing the beginning of the public comment period to solicit public comments on the Draft EIS. Newmont USA Limited (Newmont) is proposing to expand its existing Phoenix Mine, which is located approximately 12 miles southwest of the Town of Battle Mountain in Lander County, Nevada. The Greater Phoenix Project (Project) includes expanding the life of the Phoenix mine from 2040 to 2063; expanding the boundary of the mine by 10,611 acres from 8,228 acres to 18,839 acres; and increasing surface disturbance by 3,497 acres, from 8,374 to 11,871 acres, of which 5,896 acres involve public lands and 5,975 acres are private land.

DATES: To ensure comments will be considered, the BLM must receive written comments on the Draft EIS within 45 days following the date the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register.** The date(s) and location(s) of any public meetings or other public involvement activities will be announced at least 15 days in advance through public notices, media releases, local media, newspapers, mailings, and the BLM Web site at: *goo.gl/JwgwXA.*

ADDRESSES: You may submit comments related to the Project by any of the following methods:

- *Web site: goo.gl/JwgwXA.*
- *Email: blm_nv_bmdo_GreaterPhoenixProject@blm.gov.*
- *Fax:* 775–635–4034.
- *Mail:* BLM Mount Lewis Field Office, 50 Bastian Road, Battle Mountain, NV 89820.

Documents pertinent to this proposal may be examined at the Mount Lewis Field Office.

FOR FURTHER INFORMATION CONTACT: Christine Gabriel, Project Manager; telephone: 775–635–4000; address: 50 Bastian Road, Battle Mountain, Nevada 89820; or email: *blm_nv_bmdo_GreaterPhoenixProject@blm.gov.* Contact Christine Gabriel to have your name added to BLM's mailing list. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: Newmont is proposing to expand its existing operations in the Phoenix Mine area, located approximately 12 miles southwest of the Town of Battle

Mountain in Lander County, Nevada. The existing authorized Phoenix Mine is a gold and copper mining and beneficiation operation. Mill-grade oxide gold ore is beneficiated to gold concentrate at the Phoenix Mill facility, which also produces small amounts of copper and silver concentrates as trace elements. Mill tailings are deposited in a tailings storage facility. Copper-containing ore is beneficiated using heap leaching followed by solvent extraction and electrowinning of copper from the leach solution. Current authorized facilities in the Phoenix Mine area include the following: Post-reclamation pit highwalls; pit backfills; ore stockpiles; Waste Rock Facilities (WRFs); a Tailings Storage Facility (TSF); growth media stockpiles; borrow areas; Heap Leach Facilities (HLF); evaporation and surge ponds; utility and haul roads; ancillary facilities; utility corridors; and other facilities.

Newmont is proposing to expand the mine—called the Greater Phoenix Project—by amending its current Phoenix Mine Plan of Operations. Within the expanded area, surface disturbance would increase by 3,497 acres, from 8,374 to 11,871 acres, which includes 5,896 acres located on public lands administered by the BLM Mount Lewis Field Office. If the BLM approves an amendment to the authorized Plan of Operations with its existing permits, mining activities at the Phoenix Mine would be extended approximately 24 years. Active closure and reclamation activities are anticipated to extend approximately 13 years beyond the operational phase. Additionally, more than 600 years of post-closure monitoring would follow final reclamation.

The specific details of the Proposed Project include the following: Extension of mine life from 2040 to 2063; expansion of the Plan of Operations boundary by 10,611 acres, from 8,228 acres to 18,839 acres, of which 10,132 acres are BLM-managed public lands; expansion of the Phoenix Pit area through consolidation of existing pit areas and by increasing the depth of the pit by 380 feet, from 4,990 feet above mean sea level (amsl) to a lower depth of 4,610 feet amsl; expansion of the Natomas Waste Rock Facility by 347 acres, from 997 acres to 1,344 acres; expansion of the Phoenix TSF by 1,801 acres, from 1,396 acres to 3,197 acres; expansion of the Phoenix HLC by 79 acres, from 536 acres to 615 acres; expansion of the clay soil borrow area by 819 acres, from 469 acres to 1,288 acres; development of an additional soil borrow area (483 acres); modification of the mine closure approach (including the management of pit water through treatment to meet applicable water quality standards and subsequently put to beneficial use in perpetuity); and realignment of Buffalo Valley Road, as well as realignment of a service power line, fiber optic line, and natural gas pipeline. Under the Proposed Project, four existing rights-of-way would require amendments to existing FLPMA grants.

The Draft EIS, through scoping, has identified and analyzed impacts to the following resource areas: Water resources (including surface water, groundwater, and geochemistry); air quality; vegetation resources (including noxious weed species and special status species); wildlife (including migratory birds and special status species-Greater sage-grouse); livestock grazing management; land use and access; visual resources; cultural resources; Native American cultural concerns; geological resources (including minerals and soils); paleontological resources; recreation; social and economic values; hazardous materials; wetland and riparian zones. Not including existing disturbance, the Proposed Action would impact Greater sage-grouse (GSG) habitat including 200.1 acres in Priority Habitat Management Area; 1,900.1 acres in General Habitat Management Area; 1,684.5 acres in Other Habitat Management Area; and 10,165.5 acres in Non-Habitat Area. Approximately half of the GSG habitat disturbance would be on private land.

The Draft EIS describes and analyzes the Proposed Project's direct, indirect, and cumulative impacts on all affected resources. In addition to the Proposed Project, three alternatives were analyzed, including the Enhanced/Mechanical Evaporation Cell Alternative, Treat Water for Agricultural Cropping on Private Land Alternative, and the No Action Alternative.

On September 29, 2015, a Notice of Intent was published in the **Federal Register** (80 FR 58501) inviting scoping comments on the Proposed Action. The BLM held a public scoping meeting in Battle Mountain on October 14, 2015. The BLM received a total of seven scoping comment letters during the scoping period. Concerns raised included impacts to water resources, air quality, wildlife, and recreation.

The BLM has utilized and coordinated the NEPA scoping and comment process to help fulfill the public involvement requirements under the National Historic Preservation Act (NHPA) (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3), and the agency continues to do so. The information about historical and cultural resources within the area potentially affected by the Proposed Project has assisted the BLM in identifying and evaluating impacts to such resources in the context of both NEPA and the NHPA.

The BLM has consulted and continues to consult with Indian tribes on a government-to-government basis in accordance with Executive Order 13175 and other policies. Tribal concerns, including impacts to Indian trust assets and potential impacts to cultural resources have been analyzed in the Draft EIS. Federal, State, and local agencies, along with tribes and other stakeholders that may be interested in or affected by the Proposed Project, are invited to participate in the comment process.

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.

Authority: 40 CFR 1501.7.

Jon D. Sherve,

Field Manager, Mount Lewis Field Office.

[FR Doc. 2017–18696 Filed 8–31–17; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–23947; 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 29, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by September 18, 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, 29, 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:

DISTRICT OF COLUMBIA

District of Columbia

Chesapeake and Potomac Telephone Company, Cleveland-Emerson Exchange (Telecommunications Resources of Washington DC MPS), 4268 Wisconsin Ave. NW., Washington, MP100001578
Spasowski, Ambassador Romuald, House, 3101 Albemarle St. NW., Washington, SG100001579

IOWA

Johnson County

Johnson County Savings Bank, 102 S. Clinton St., Iowa City, SG100001580

MARYLAND

Prince George's County

Marenka House, 7300 Radcliffe Dr., College Park, SG100001581

MASSACHUSETTS

Suffolk County

Columbia Road—Bellevue Street Historic District, 400–500 blk. of Columbia Rd., portions of Bellevue St., Boston, SG100001582

NEW YORK

Erie County

Baptist Church of Springville, The (Boundary Increase), 37 N. Buffalo St., Springville, BC100001583
Linde Air Products Factory (Black Rock Planning Neighborhood MPS), 155 Chandler St., Buffalo, MP100001584

Genesee County

Newberry Building, 109–111 Main St., Batavia, SG100001585

Greene County

Oak Hill Historic District, NY 81, Oak Hill Rd., Giles Ln., Oak Hill, SG100001586

OHIO

Marion County

Marion Catholic School, 1001 & 1047 Mount Vernon Ave. & 590 Forest Lawn Dr., Marion, SG100001587

Stark County

East Main Street Historic District, 49–629 E. Main St., 40 N. Park, 77 S. Park, 532–570, 157 Prospect,
40 N.–136 S. Arch, 40 S., Linden Aves., Alliance, SG100001588

OKLAHOMA

Garfield County

Babe's Package Store, 220 S. 3rd., Enid, SG100001589
Briggs, Eugene S., Auditorium, 2450 E. Maine, Enid, SG100001590
Security National Bank, 201 W. Broadway, Enid, SG100001591

Garvin County

Beaty School, Cty. Rd. 3210 at Royal Oaks Rd., Pauls Valley vicinity, SG100001592

Jackson County

New Orient Hotel, 101–111 E. Commerce St., Altus, SG100001593

Pittsburg County

Saints Cyril and Methodius Russian Orthodox Greek Catholic Church, 501 S. 3rd St., Hartshorne, SG100001594

Tulsa County

Church Studio, The, 304 S. Trenton Ave., Tulsa, SG100001595

WASHINGTON

Jefferson County

Lincoln School, 450 Fir St., Port Townsend, SG100001596

Snohomish County

Bush House, 308 5th St., Index, SG100001597

WISCONSIN

Milwaukee County

Kopperud Park Residential Historic District, 837–871 S. 76th (odd only), 824–862 S. 77th (even only) & 7624 W. Walker Sts., West Allis, SG100001598
Nunn-Bush Shoe Company Factory, 2821 N. 4th St., Milwaukee, SG100001599

Authority: 60.13 of 36 CFR part 60.

Dated: August 3, 2017.

Christopher Hetzel,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2017–18525 Filed 8–31–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–23993; 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 August 5, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by September 18, 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 August 5, 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:

CALIFORNIA

Alameda County

Brooklyn Presbyterian Church, 1433 12th Ave., Oakland, SG100001600

El Dorado County

Georgetown Civil War Armory, 6259 Main St., Georgetown, SG100001601

Los Angeles County

Great Wall of Los Angeles, The (Latinos in 20th Century California MPS), Section of Tujunga Flood Control Channel bounded by Oxnard St., Coldwater Canyon & Burbank Blvds. & Coldwater Canyon Rd., Los Angeles, MP100001602
Maxfield Building, 819 S. Santee St., Los Angeles, SG100001603

Marin County

Marin City Public Housing, 101–429 Drake Ave., 1–99 Cole Dr., Marin City, SG100001604

Orange County Hewes, David, House, 350 S. B St., Tustin, SG100001605

INDIANA

La Porte County

Wynkoop—Taylor—Swanson—Sharp Farmstead, 3463 N. IN 39, La Porte vicinity, SG100001607

Marion County

Carson, Julia M., House, 2530 N. Park Ave., Indianapolis, SG100001608

Marshall County

Argos Northside Historic District, N. Michigan St. between Smith & N. of North Sts. & Maple St. between Church & Poplar Sts., Argos, SG100001613

St. Joseph County

Mishawaka Fire Station No. 4, 2319 Lincolnway E., Mishawaka, SG100001614

Steuben County

Cline, Cyrus and Jennie, House, 313 E. Maumee St., Angola, SG100001615

Vigo County

Saint Mary-of-the-Woods Historic District, Roughly bounded by St. Mary's Rd., 1840 Way St., Grove & Orchard Lns., Woods Way, &, College Rd. 2, Terre Haute vicinity, SG100001616

MASSACHUSETTS

Franklin County

Riverside Village Historic District, 0–77 French King Hwy., 0–61 Riverview Dr., 1–9 Grove, 2–9 Myrtle, 8 Meadow, 2–23 Oak, 1–4 Pine & 3–32 Walnut Sts., Gill, SG100001617

NEVADA

Douglas County

Lampe, Wilhelm and William, Ranch (Agriculture on the Carson River in Nevada's Douglas and Ormsby Counties MPS), 1335 Centerville Ln., Gardnerville, MP100001620

NEW HAMPSHIRE

Rockingham County

Emery Farm, 16 Emery Ln., Stratham, SG100001621

NEW YORK

Chemung County

St. Matthew's Episcopal Church, 408 S. Main St., Horseheads, SG100001622

Columbia County

Crandell Theatre, 46–48 Main St., Chatham, SG100001623

Herkimer County

Stillwater Mountain Fire Observation Station (Fire Observation Stations of New York State Forest Preserve MPS), 1 mi. off Big Moose Rd., Webb, MP100001624

Onondaga County

Sagamore Apartment House, 664–666 W. Onondaga St., Syracuse, SG100001625

Orange County

Gumaer Cemetery, Neversink Preserve, Guymard Tpk. vicinity, Godeffroy vicinity, SG100001626

NORTH CAROLINA

Alamance County

Granite Mill, 114, 116, 122, 180, 218, 222, 224 & 226 E. Main St., Haw River, SG100001627

Avery County

Banner Elk School, 185 Azalea Cir., Banner Elk, SG100001628

Caldwell County

Bernhardt, J.M., Planing Mill and Box Factory—Steele Cotton Mill, 1201 Steele St., Lenoir, SG100001629

Lenoir Cotton Mill—Blue Bell Inc. Plant, 1241 College Ave., Lenoir, SG100001630

Forsyth County

Reynolds, R.J., Tobacco Company Buildings 2–1 and 2–2, 951 Reynolds Blvd., Winston-Salem, SG100001631

Mecklenburg County

Highland Park Mill No. 1, 340 E. 16th St., Charlotte, SG100001632

Orange County

Nash, Arthur C. and Mary S.A., House, 124 S. Boundary St., Chapel Hill, SG100001633

Wake County

Depot Historic District (Boundary Increase), 302–310 S. West St., Raleigh, BC100001634

PENNSYLVANIA

Chester County

Twin Bridges Rural Historic District, Roughly bounded by Creek & Bullock Rds., Beverly Farm, Big Bend & Hill Girt Farms, Estates, Brandywine Cr., Pennsbury Township, SG100001635

Luzerne County

Memorial Presbyterian Church, Address Restricted, Wilkes-Barre vicinity, SG100001636

UTAH

Duchesne County

Myton Presbyterian Church, 225 E 100 S, Myton, SG100001638

VIRGINIA

Bristol Independent City

Bristol Commercial Historic District (Boundary Increase), 40–115 Piedmont Ave., Bristol (Independent City), BC100001640

Charlottesville Independent City

West Main Street Historic District, Parts of W. Main St., 6th, 4th & 8 Sts. NW. & Ridge St., Charlottesville (Independent City), SG100001641

Mathews County

Mathews Downtown Historic District, Address Restricted, Mathews Court House vicinity, SG100001642

Richmond Independent City

Fulton, Robert, School (Public Schools of Richmond MPS), 1000–1012 Carlisle Ave., Richmond (Independent City), MP100001643

North Thompson Street Historic District, N. Thompson St. between Broad St. and Monument Ave., Richmond (Independent City), SG100001644

Virginia Beach Independent City

Oceana Neighborhood Historic District, Indiana, Louisa, Michigan, New York, & Ohio Aves., Middle, Roselynn & West Lns., Oceana, Southern & Virginia Beach Blvd., Virginia Beach (Independent City), SG100001645

A request for removal has been made for the following resource(s):

INDIANA

Marion County

Cotton-Ropkey House, 6360 W. 79th St., Indianapolis, OT84001086

Additional documentation has been received for the following resources:,

INDIANA

Marion County

Old Pathology Building, 3000 W. Washington St. (Central State Hospital), Indianapolis, AD72000011

Cole, Joseph J., Jr., House, 4909 N. Meridian St., Indianapolis, AD97000599

MINNESOTA

Sibley County

Gibbon Village Hall, 1st Ave. and 12th St., Gibbon, AD82003036

SOUTH DAKOTA

Pennington County

Rapid City West Boulevard Historic District, Bordered by Kansas City, Fairview, 11th, 7th, and 8th Sts., Rapid City, AD74001898

VIRGINIA

Alexandria Independent City

Alexandria Historic District, Prince & St. Asaph Sts., Alexandria (Independent City), AD66000928

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.

COLORADO

Boulder County

Longhurst Lodge, CO 7 & Cty. Rd. 82, Allenspark, SG100001606

Authority: 60.13 of 36 CFR part 60.

Dated: August 11, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program Keeper, National Register of Historic Places.

[FR Doc. 2017–18524 Filed 8–31–17; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–17–038]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: September 7, 2017 at 9:30 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. No. 731–TA–539–C (Fourth Review) (Uranium from Russia). The Commission is currently scheduled to complete and file its determination and views of the Commission by September 20, 2017.
5. *Outstanding action jackets:* None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: August 29, 2017.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2017–18689 Filed 8–30–17; 11:15 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–895 (Third Review)]

Pure Magnesium (Granular) From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping duty order on pure magnesium in granular form from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Date of institution is September 1, 2017. To be assured of consideration, the deadline for responses is October 2, 2017. Comments on the adequacy of responses may be filed with the Commission by November 13, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193) Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On November 19, 2001, the Department of Commerce (''Commerce'') issued an antidumping duty order on imports of pure magnesium in granular form from China (66 FR 57936). Following the first five-year reviews by Commerce and the Commission, effective March 26, 2007, Commerce issued a continuation of the antidumping duty order on imports of pure magnesium in granular form from China (72 FR 14076). Following the second five-year reviews by Commerce and the Commission, effective October 17, 2012, Commerce issued a continuation of the antidumping duty order on imports of pure magnesium in granular form from China (77 FR 63787). The Commission is now conducting a third review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR parts 201, subparts A and B and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination, the Commission defined one *Domestic Like Product*—pure magnesium that included both granular magnesium and magnesium ingot. Two Commissioners defined the *Domestic Like Product* differently in the original determination. They found two *Domestic Like Products* corresponding to granular pure magnesium and pure magnesium ingot. In its expedited first and second five-year review determinations, the Commission found one *Domestic Like Product* to include primary and secondary pure and alloy magnesium whether in ingot or granular form. One Commissioner defined the *Domestic Like Product* differently in the expedited first five-year review, instead finding that pure magnesium and alloy magnesium (including secondary magnesium) were separate *Domestic Like Products.* For purposes of responding to the items requested in this notice, please provide information according to one *Domestic Like Product* that includes primary and secondary pure and alloy magnesium whether in ingot or granular form.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination, the Commission defined the *Domestic Industry* as producers of pure magnesium, including grinding operations. One Commissioner defined the *Domestic Industry* differently in the original determination (*i.e.,* not including grinders), and two Commissioners defined two separate *Domestic Industries* (*i.e.,* domestic producers of granular pure magnesium and domestic producers of pure

magnesium ingot, including grinders). The Commission also found that appropriate circumstances existed to exclude ESM from the *Domestic Industry.* In its expedited first and second five-year review determinations, the Commission defined the *Domestic Industry* as domestic producers of pure and alloy magnesium, including primary and secondary magnesium, and magnesium in ingot and granular form. The Commission also included grinders in the *Domestic Industry* producing magnesium in its first and second five-year review determinations. One Commissioner defined the *Domestic Industry* differently in the first five-year review, instead finding that grinders were not included in the *Domestic Industry.* Another Commissioner defined the *Domestic Industry* differently in the first five-year review, instead finding that there was one *Domestic Industry* composed of the domestic producers of pure magnesium whether in ingot or granular form, including grinders. For purposes of responding to the items requested in this notice, please provide information according to one *Domestic Industry* that consists of all domestic producers, including grinders, of pure and alloy magnesium, including primary and secondary magnesium, and magnesium in ingot and granular form.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register.** The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post-employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Deputy Agency Ethics Official, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register.** Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is October 2, 2017. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is November 13, 2017. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 17–5–395, expiration date June 30, 2020. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the

Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

Information to be provided in response to this notice of institution: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2011.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2016, except as noted (report quantity data in metric tons and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in metric tons and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in metric tons and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2011, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology;

production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: August 24, 2017.

Katherine M. Hiner,

Supervisory Attorney.

[FR Doc. 2017–18359 Filed 8–31–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1104 (Second Review)]

Certain Polyester Staple Fiber From China; Institution of a Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it has instituted a review pursuant to the Tariff Act of 1930 (''the Act''), as amended, to determine whether revocation of the antidumping duty order on certain polyester staple fiber from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

DATES: Date of institution is September 1, 2017. To be assured of consideration, the deadline for responses is October 2, 2017. Comments on the adequacy of responses may be filed with the Commission by November 13, 2017.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On June 1, 2007, the Department of Commerce (''Commerce'') issued an antidumping duty order on imports of certain polyester staple fiber from China (72 FR 30545). Following the first five-year reviews by Commerce and the Commission, effective October 12, 2012, Commerce issued a continuation of the antidumping duty order on imports of certain polyester staple fiber from China (77 FR 62217). The Commission is now conducting a second review pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the order would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the Commission's Rules of Practice and Procedure at 19 CFR parts 201, subparts A and B and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct a full review or an expedited review. The Commission's determination in any expedited review will be based on the facts available, which may include information provided in response to this notice.

Definitions.—The following definitions apply to this review:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year review, as defined by Commerce.

(2) The *Subject Country* in this review is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise.* In its original determination and its first five-year review determination, the Commission defined the *Domestic Like Product* as all certain polyester staple fiber, coextensive with the scope of the investigation.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product,* or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determination and its first five-year review determination, the Commission defined the *Domestic Industry* as all known domestic producers of certain polyester staple fiber.

(5) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

Participation in the proceeding and public service list.—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008). Consequently, former employees are not required to seek Commission approval to appear in a review under Commission

rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Charles Smith, Deputy Agency Ethics Official, at 202–205–3408.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Written submissions.—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is October 2, 2017. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct an expedited or full review. The deadline for filing such comments is November 13, 2017. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

No response to this request for information is required if a currently valid Office of Management and Budget (''OMB'') number is not displayed; the OMB number is 3117 0016/USITC No. 17–5–394, expiration date June 30, 2020. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.

Inability to provide requested information.—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determination in the review.

INFORMATION TO BE PROVIDED IN RESPONSE TO THIS NOTICE OF INSTITUTION: As used below, the term ''firm'' includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product,* a U.S. union or worker group, a U.S. importer of the *Subject Merchandi*se, a foreign producer or exporter of the *Subject Merchandise,* a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping duty order on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry.*

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product.* Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the *Subject Merchandise* in each *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries after 2011.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product,* provide the following information on your firm's operations on that product during calendar year 2016, except as noted

(report quantity data in pounds and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise* from the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in pounds and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country;* and

(c) the quantity and value (f.o.b. U.S. port, including antidumping duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country.*

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country,* provide the following information on your firm's(s') operations on that product during calendar year 2016 (report quantity data in pounds and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* after 2011, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country,* and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry;* if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: August 24, 2017.

Katherine M. Hiner,

Supervisory Attorney.

[FR Doc. 2017–18358 Filed 8–31–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–587 and 731–TA–1385–1386 (Preliminary)]

Titanium Sponge From Japan and Kazakhstan; Institution of Antidumping and Countervailing Duty Investigations and Scheduling of Preliminary Phase Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the institution of investigations and commencement of preliminary phase antidumping and countervailing duty investigation Nos. 701–TA–587 and 731–TA–1385–1386 (Preliminary) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of titanium sponge from Japan and Kazakhstan, provided for in subheading 8108.20.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value and alleged to be subsidized by the Government of Kazakhstan. Unless the Department of Commerce extends the time for initiation, the Commission must reach a preliminary determination in antidumping and countervailing duty investigations in 45 days, or in this case

by October 10, 2017. The Commission's views must be transmitted to Commerce within five business days thereafter, or by October 17, 2017.

DATES: August 24, 2017.

FOR FURTHER INFORMATION CONTACT: Jordan Harriman (202–205–2610), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)), in response to a petition filed on August 24, 2017, by Titanium Metals Corporation, Exton, PA.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

Participation in the investigations and public service list.—Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in sections 201.11 and 207.10 of the Commission's rules, not later than seven days after publication of this notice in the **Federal Register**. Industrial users and (if the merchandise under investigation is sold at the retail level) representative consumer organizations have the right to appear as parties in Commission antidumping duty and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these investigations available to authorized applicants representing interested parties (as defined in 19 U.S.C. 1677(9)) who are parties to the investigations under the APO issued in the investigations, provided that the application is made not later than seven days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference.—The Commission's Director of Investigations has scheduled a conference in connection with these investigations for 9:30 a.m. on Thursday, September 14, 2017, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the conference should be emailed to *William.bishop@usitc.gov* and *Sharon.bellamy@usitc.gov* (DO NOT FILE ON EDIS) on or before September 12, 2017. Parties in support of the imposition of countervailing and antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written submissions.—As provided in sections 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before September 19, 2017, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's Web site at *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's rules with respect to electronic filing.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Certification.—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with these investigations must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that any information that it submits to the Commission during these investigations may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of these or related investigations or reviews, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.12 of the Commission's rules.

By order of the Commission.

Issued: August 25, 2017.

Katherine M. Hiner,

Supervisory Attorney.

[FR Doc. 2017–18608 Filed 8–31–17; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On August 25, 2017, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of West Virginia in the lawsuit entitled *United States* v. *PAR Industrial Corporation,* Civil Action No. 3:16–cv–1703.

The Consent Decree resolves claims against PAR Industrial Corporation (''PAR'' or ''the Defendant'') arising under the Comprehensive Environmental Response, Compensation, and Liability Act relating to the Par Industries, Inc. Superfund Site, located in Nitro, Putnam County, West Virginia. Under the Consent Decree, Defendant will endeavor to sell the majority of the property on which the Site is located and distribute the proceeds of any sale(s) between the United States and

the Defendant; ninety percent of the first $1 million of sale(s) proceeds shall be distributed the United States, and eighty-five percent of any additional sales proceeds shall be paid to the United States as well. Additionally, the Defendant shall pay $300,000 in cash to the United States, payable in three installments over a period of three years. The proposed Consent Decree will resolve all CERCLA claims alleged in this action by the United States against Defendant. Defendant has an inability to pay the United States' full demand.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *PAR Industrial Corporation,* D.J. Ref. No. 90–11–3–10978. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $40.25 (25 cents per page reproduction cost) payable to the United States Treasury. For a paper copy without the exhibits and signature pages, the cost is $10.50.

Jeffrey Sands,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–18521 Filed 8–31–17; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

[OMB Number 1117–0021]

Agency Information Collection Activities; Proposed eCollection, eComments Requested; Extension Without Change of a Previously Approved Collection Dispensing Records of Individual Practitioners

AGENCY: Drug Enforcement Administration, Department of Justice.

ACTION: 30-day Notice.

SUMMARY: The Department of Justice (DOJ), Drug Enforcement Administration (DEA), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register**, on June 28, 2017, allowing for a 60 day comment period

DATES: Comments are encouraged and will be accepted for 30 days until October 2, 2017.

FOR FURTHER INFORMATION CONTACT: If you have comments on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Michael J. Lewis, Diversion Control Division, Drug Enforcement Administration; Mailing Address: 8701 Morrissette Drive, Springfield, Virginia 22152; Telephone: (202) 598–6812 or sent to *OIRA_submission@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information proposed to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *Title of the Form/Collection:* Dispensing Records of Individual Practitioners.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is N/A. The applicable component within the Department of Justice is the Drug Enforcement Administration, Diversion Control Division.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Affected public (Primary): Business or other for-profit.

Affected public (Other): Not-for-profit institutions; Federal, State, local, and tribal governments.

Abstract: In accordance with the Controlled Substances Act (CSA), every DEA registrant must make a biennial inventory and maintain, on a current basis, a complete and accurate record of each controlled substance manufactured, received, sold, delivered, or otherwise disposed of. 21 U.S.C. 827 and 958. These records must be maintained separately from all other records of the registrant or, alternatively, in the case of non-narcotic controlled substances, be in such a form that required information is readily retrievable from the ordinary business records of the registrant. 21 U.S.C. 827(b)(2). The records maintained by registrants must be kept and be available for at least two years for inspection and copying by officers or employees of the United States as authorized by the Attorney General. 21 U.S.C. 827(b)(3). The DEA may promulgate regulations that specify the information that registrants must maintain in the required records. 21 U.S.C. 827(b)(1).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The DEA estimates that 64,751 respondents, with 64,751 responses annually to this collection. The DEA estimates that it takes 30 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the proposed collection:* The DEA estimates this collection takes 32,376 hours annually.

If additional information is required please contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Suite 3E.405B, Washington, DC 20530.

Dated: August 29, 2017.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2017–18547 Filed 8–31–17; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Notice of Alleged Safety or Health Hazards

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Notice of Alleged Safety or Health Hazards,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before October 2, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201707-1218-03* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Notice of Alleged Safety or Health Hazards (Form OSHA–7) information collection. Respondents use Form OSHA–7 to report unhealthful and/or unsafe conditions in the workplace to the OSHA. The OSHA uses this information to evaluate the alleged hazards and to schedule an inspection. Occupational Safety and Health Act of 1970 sections 2(b)(10) and 8(f) authorize this information collection. *See* 29 U.S.C. 651(b)(10), 657(f).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0064.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on April 24, 2017 (82 FR 18932).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0064. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Notice of Alleged Safety or Health Hazards.

OMB Control Number: 1218–0064.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 70,976.

Total Estimated Number of Responses: 70,976.

Total Estimated Annual Time Burden: 19,258 hours.

Total Estimated Annual Other Costs Burden: $701.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 26, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–18477 Filed 8–31–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Underground Construction Standard

ACTION: Notice of availability; request for comments.

SUMMARY: On August 31, 2017, the Department of Labor (DOL) will submit the Occupational Safety and Health Administration (OSHA) sponsored

information collection request (ICR) titled, ''Underground Construction Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before October 2, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201708-1218-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Underground Construction Standard information collection requirements codified in regulations 29 CFR 1926.800. The requirements apply to an Occupation Safety and Health Act (OSH Act) covered employer engaged in underground construction. The information collections the DOL seeks to extend by this ICR include: (1) Posting various warning signs and notices, (2) developing and maintaining certification inspection records for hoists, and (3) developing and maintaining records of air quality tests. OSH Act sections 6(b)(7) and 8 authorize this information collection. *See* 29 U.S.C. 655(b)(7), 657.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0067.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on June 20, 2017 (82 FR 28098).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0067. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Underground Construction Standard.

OMB Control Number: 1218–0067.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 461.

Total Estimated Number of Responses: 1,171,439.

Total Estimated Annual Time Burden: 76,477 hours.

Total Estimated Annual Other Costs Burden: $165,600.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 27, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–18478 Filed 8–31–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Family and Medical Leave Act, Wave 4 Surveys

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is submitting the information collection request (ICR) proposal titled, ''Family and Medical Leave Act, Wave 4 Surveys,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before October 2, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201703-1290-001* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk

Officer for DOL–OS, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks PRA authority for the Family and Medical Leave Act (FMLA), Wave 4 Surveys information collection to study the FMLA by conducting a fourth round of nationally representative surveys of employees and employers covered by the provisions of the FMLA. The survey findings will update and expand upon the knowledge gained from the earlier survey waves. Consolidated Appropriations Act of 2016, division H, title I, section 107 authorizes this information collection. *See* Public Law 114–113, division H, title I, section 107.

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on October 28, 2016 (81 FR 75161).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register.** In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201703–1290–001. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OS.

Title of Collection: Family and Medical Leave Act, Wave 4 Surveys.

OMB ICR Reference Number: 201703–1290–001.

Affected Public: Private Sector—businesses or other for-profits, farms, not-for-profit institutions; and Individuals or Households.

Total Estimated Number of Respondents: 11,908.

Total Estimated Number of Responses: 14,075.

Total Estimated Annual Time Burden: 1,504 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 28, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–18610 Filed 8–31–17; 8:45 am]

BILLING CODE 4510–HX–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Occupational Safety and Health Administration Grantee Quarterly Progress Report

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Occupational Safety and Health Administration Grantee Quarterly Progress Report,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before October 2, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201708-1218-003* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor–OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the OSHA Grantee Quarterly Progress Report, Form OSHA–171, information collection. The OSHA uses Form OSHA–171 to collect information concerning activities conducted during the quarter by grantees under the Susan Harwood Training Grants Program. This information is used to monitor progress to determine whether the organization is using Federal grant funds as specified in its grant application. Occupational Safety and Health Act of 1970 section 21(c) authorizes this information collection. *See* 29 U.S.C. 670(c).

This information collection is subject to the PRA. A Federal agency generally

cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0100.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on August 31, 2017. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 22, 2017 (82 FR 23315).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0100. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Occupational Safety and Health Administration Grantee Quarterly Progress Report.

OMB Control Number: 1218–0100.

Affected Public: Private Sector—not-for-profit entities.

Total Estimated Number of Respondents: 109.

Total Estimated Number of Responses: 436.

Total Estimated Annual Time Burden: 6,104 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 27, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–18479 Filed 8–31–17; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Notice of Recurrence

ACTION: Notice of availability; request for comments.

SUMMARY: On August 31, 2017, the Department of Labor (DOL) will submit the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) revision titled, ''Notice of Recurrence,'' to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before October 2, 2017.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201703-1240-006* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor–OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Notice of Recurrence, Form CA–2a, information collection. Form CA–2a is used to claim reimbursement of wage loss or medical treatment resulting from the recurrence of a work-related injury while federally employed. The information is necessary to ensure accurate benefits payment. This information collection has been classified as a revision, because of a revised accommodation statement. The Federal Employees' Compensation Act authorizes this information collection. *See* 5 U.S.C. 8102.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240–0009. The current approval is scheduled to expire on August 31, 2017; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 23, 2017 (82 FR 23613).

Interested parties are encouraged to send comments to the OMB, Office of

Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240–0009. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OWCP.

Title of Collection: Notice of Recurrence.

OMB Control Number: 1240–0009.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 289.

Total Estimated Number of Responses: 289.

Total Estimated Annual Time Burden: 145 hours.

Total Estimated Annual Other Costs Burden: $150.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: August 27, 2017.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2017–18481 Filed 8–31–17; 8:45 am]

BILLING CODE 4510–CH–P

LIBRARY OF CONGRESS

Copyright Royalty Board

[Docket No. 2013–6 CRB DD 2009–2011 (MWF)]

Distribution of the 2009, 2010, and 2011 Digital Audio Recording Technology Royalty Funds for the Musical Works Funds

AGENCY: Copyright Royalty Board (CRB), Library of Congress.

ACTION: Notice announcing commencement of proceeding with request for Petitions to Participate.

SUMMARY: The Copyright Royalty Judges announce the commencement of a proceeding to determine the distribution of the digital audio recording technology royalty fees in the 2009, 2010, and 2011 Musical Works Funds. The Judges also announce the date by which a party who wishes to participate in this proceeding must file its Petition to Participate and the accompanying filing fee, if applicable.

DATES: Petitions to Participate and the filing fee, if applicable, are due no later than October 2, 2017.

ADDRESSES: Interested claimants must submit petitions to participate and the filing fee, if applicable, identified by docket number 2013–6 CRB DD 2009–2011 (MWF), by any of the following methods:

CRB's electronic filing application: Submit comments online in eCRB at *https://app.crb.gov/.*

U.S. mail: Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Overnight service (only USPS Express Mail is acceptable): Copyright Royalty Board, P.O. Box 70977, Washington, DC 20024–0977; or

Commercial courier: Address package to: Copyright Royalty Board, Library of Congress, James Madison Memorial Building, LM–403, 101 Independence Avenue SE., Washington, DC 20559–6000. Deliver to: Congressional Courier Acceptance Site, 2nd Street NE. and D Street NE., Washington, DC; or

Hand delivery: Library of Congress, James Madison Memorial Building, LM–401, 101 Independence Avenue SE., Washington, DC 20559–6000.

Instructions: Unless submitting online, claimants must submit an original, five paper copies, and an electronic version on a CD. All submissions received must include the board name and docket number. All submissions received will be posted without change to eCRB on *https://www.crb.gov* including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to eCRB, the Copyright Royalty Board's electronic filing and case management system, at *https://app.crb.gov/* and search for docket number 2013–6 CRB DD 2009–2011 (MWF). For documents not yet uploaded to eCRB (because it is a new system), go to the agency Web site at *https://www.crb.gov/* or contact the CRB Program Specialist.

FOR FURTHER INFORMATION CONTACT: Anita Blaine, CRB Program Specialist, by phone at (202) 707–7658 or by email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Audio Home Recording Act of 1992 (''AHRA''), Public Law 102–563, requires manufacturers and importers to pay royalties on digital audio recording devices and media that are distributed in the United States. 17 U.S.C. 1003. These royalties are deposited with the Copyright Office for further distribution to eligible claimants. 17 U.S.C. 1005, 1007. Royalties are divided into two funds: The Sound Recordings Fund (66⅔%) and the Musical Works Fund (33⅓%). These fees in turn are allocated to specific subfunds. 17 U.S.C. 1006(b). The Musical Works Fund, which is the subject of this notice, is divided equally between the Music Publishers Subfund and the Writers Subfund. 17 U.S.C. 1006(b)(2).

Distribution of these fees may occur in one of two ways. The interested copyright parties within each subfund may negotiate the terms of a settlement as to the division of royalty funds. If, after any such agreements, funds remain in dispute, the Copyright Royalty Judges may conduct a proceeding to determine the distribution of the royalties that remain in controversy in each subfund. 17 U.S.C. 1006(c) & 1007(c).

On February 4, 2014, the Judges issued an order granting certain claimants' (*i.e.,* Broadcast Music, Inc., the American Society of Composers, Authors and Publishers, SESAC, Inc., and the Harry Fox Agency, Inc.) request for 95% of the Digital Audio Recording Technology (''DART'') Musical Works Funds royalties for 2009 through 2011. *Order Granting Claimants' Request for Partial Distribution of 2009 through 2011 DART Musical Works Funds Royalties, Docket No. 2013–6 CRB DD 2009–2011 (MWF).*

On March 16, 2017, the settling claimants [1] filed a motion requesting that the Judges commence a proceeding to determine the distribution of the funds for 2009, 2010, and 2011. The settling claimants request that the Judges publish a notice in the **Federal Register** to (1) announce commencement of a proceeding, (2) request comments on the existence of controversies and petitions to participate, and (3) apprise parties of filing fee requirements and small claims procedures pursuant to 17 U.S.C.

[1] One of the settling claimants, The Harry Fox Agency LLC, was formerly The Harry Fox Agency, Inc.

803(b)(1) and 1007(c). Motion at 1–2. The settling parties have not represented that they have reached an agreement with non-settling claimants. Therefore, the Judges conclude that a controversy exists with respect to DART Musical Works Funds for royalty years 2009, 2010, and 2011.

By this notice, the Judges grant the settling claimants' Motion and announce the commencement of a proceeding to determine the proper distribution of DART Musical Works Funds (both the Musical Publishers Subfund and the Writers Subfund) for royalty years 2009, 2010, and 2011. The Judges granted the settling claimants' request for partial distribution pursuant to Section 801(b)(3)(C) of the Copyright Act, which authorizes the Judges to order partial distributions notwithstanding the existence of ongoing controversies. Consequently, all DART Musical Works funds for royalty years 2009, 2010, and 2011 remain in dispute, notwithstanding the 95% distribution to the settling claimants. All settling claimants agreed, at the time of the partial distribution, to repay any potential overpayment.

Commencement of Proceeding

Consistent with 17 U.S.C. 804(b)(8), the Judges determine that, for the reasons stated above, a controversy exists with respect to the distribution of the 2009, 2010, and 2011 DART Musical Works Funds royalties for the Music Publishers Subfund and the Writers Subfund.

Petitions To Participate

Petitions to Participate must provide all of the information required by 37 CFR 351.1(b)(2). Participants also must identify by year each subfund in the Musical Works Fund to which they are asserting a claim (*i.e.,* Music Publishers or Writers, or both). Petitions to Participate submitted by interested parties whose claims do not exceed $1,000 must contain a statement that the party will not seek a distribution of more than $1,000. 37 CFR 351.1(b)(4). No filing fee is required for such parties. Interested parties with claims exceeding $1,000, however, must submit a filing fee of $150 with their respective Petitions to Participate, or the petition will be rejected. CASH WILL NOT BE ACCEPTED. Parties filing online through eCRB must pay by credit card. All other parties must pay the filing fee with a check or money order made payable to the ''Copyright Royalty Board'' and mailed or delivered with a paper claim form, as described in the **ADDRESSES** section above. If a check is returned for lack of sufficient funds, the corresponding Petition to Participate will be dismissed.

Any participant that is an individual may represent herself or himself. All other participants must be represented by counsel. In accordance with 37 CFR 350.2 (Representation), only attorneys who are members of the bar in one or more states or the District of Columbia and in good standing will be allowed to represent parties before the Copyright Royalty Judges. The Judges will address further procedural matters, including scheduling, after Petitions to Participate have been filed.

Intention To Conduct a Paper Proceeding

In accordance with Section 803(b)(5)(B) of the Copyright Act, the Judges find it appropriate to conduct a paper proceeding in this matter in light of the relatively modest amount of royalties in dispute and the anticipated small number of non-settling claimants. In such proceedings, the Judges determine issues solely on the basis of the filing of a written direct statement by each participant, a response of an opposing participant, and one additional response from the participant. 17 U.S.C. 803(b)(5). Any party wishing to comment on the Judges' intention to conduct a paper proceeding should include such comments in its Petition to Participate.

Dated: August 29, 2017.

Jesse M. Feder,

U.S. Copyright Royalty Judge.

[FR Doc. 2017–18569 Filed 8–31–17; 8:45 am]

BILLING CODE P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 17–04]

Report on Countries That Are Candidates for Millennium Challenge Account Eligibility in Fiscal Year 2018 and Countries That Would Be Candidates but for Legal Prohibitions

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: Section 608(a) of the Millennium Challenge Act of 2003 requires the Millennium Challenge Corporation to publish a report that identifies countries that are ''candidate countries'' for Millennium Challenge Account assistance during FY 2018. The report is set forth in full below.

Dated: August 28, 2017.

Jeanne M. Hauch,

VP/General Counsel and Corporate Secretary, Millennium Challenge Corporation.

Report on Countries That Are Candidates for Millennium Challenge Compact Eligibility for Fiscal Year 2018 and Countries That Would Be Candidates but for Legal Prohibitions

Summary

This report to Congress is provided in accordance with section 608(a) of the Millennium Challenge Act of 2003, as amended, 22 U.S.C. 7701, 7707(a) (the Act).

The Act authorizes the provision of assistance for global development through the Millennium Challenge Corporation (MCC) for countries that enter into a Millennium Challenge Compact with the United States to support policies and programs that advance the progress of such countries to achieve lasting economic growth and poverty reduction. The Act requires MCC to take a number of steps in selecting countries with which MCC will seek to enter into a compact, including determining the countries that will be eligible countries for fiscal year (FY) 2018 based on (a) a country's demonstrated commitment to (i) just and democratic governance, (ii) economic freedom, and (iii) investments in its people; and (b) the opportunity to reduce poverty and generate economic growth in the country, and (c) the availability of funds to MCC. These steps include the submission of reports to the congressional committees specified in the Act and the publication of notices in the **Federal Register** that identify:

The countries that are ''candidate countries'' for FY 2018 based on their per capita income levels and their eligibility to receive assistance under U.S. law and countries that would be candidate countries but for specified legal prohibitions on assistance (section 608(a) of the Act);

The criteria and methodology that the MCC Board of Directors (Board) will use to measure and evaluate the relative policy performance of the ''candidate countries'' consistent with the requirements of subsections (a) and (b) of section 607 of the Act in order to determine ''eligible countries'' from among the ''candidate countries'' (section 608(b) of the Act); and

The list of countries determined by the Board to be ''eligible countries'' for FY 2018, identification of such countries with which the Board will seek to enter into compacts, and a justification for such eligibility

determination and selection for compact negotiation (section 608(d) of the Act).

This report is the first of three required reports listed above.

Candidate Countries for FY 2018

The Act requires the identification of all countries that are candidate countries for FY 2018 and the identification of all countries that would be candidate countries but for specified legal prohibitions on assistance. Under the terms of the Act, sections 606(a) and (b) set forth the two income tests countries must satisfy to be candidate countries.[1] However for FY 2017, those categories are defined by MCC's FY 2017 appropriations act, the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (the FY 2017 SFOAA). Specifically, the FY 2017 SFOAA used the same definitions that have been used since the FY 2012 appropriations act and defines low income candidate countries as the 75 poorest countries as identified by the World Bank and provided that a country that changes during the fiscal year from low income to lower middle income (or vice versa) will retain its candidacy status in its former income category for the fiscal year and two subsequent fiscal years. Assuming these definitions will be used again in FY 2018, MCC is using them for purposes of this report.[2]

Under the redefined categories, a country will be a candidate country for FY 2018 if it:

Meets one of the following tests:

Has a per capita income that is not greater than the World Bank's lower middle income country threshold for such fiscal year ($3,955 gross national income per capita for FY 2018); and is among the 75 lowest per capita income countries, as identified by the World Bank; or

Has a per capita income that is not greater than the World Bank's lower middle income country threshold for such fiscal year ($3,955 gross national income per capita for FY 2018); but is *not* among the 75 lowest per capita income countries as identified by the World Bank; and

Is not ineligible to receive U.S. economic assistance under part I of the Foreign Assistance Act of 1961, as amended (the Foreign Assistance Act), by reason of the application of the Foreign Assistance Act or any other provision of law.

Due to the provisions requiring countries to retain their former income classification for three fiscal years, changes from the low income to lower middle income categories or vice versa for FY 2018 will go into effect for FY 2021. Countries transitioning to the upper middle income category do not remain in the candidate pool.[3]

Pursuant to section 606(c) of the Act, the Board identified the following countries as candidate countries under the Act for FY 2018. In so doing, the Board referred to the prohibitions on assistance to countries for FY 2017 under the FY 2017 SFOAA.

Candidate Countries: Low Income Category

1. Afghanistan
2. Angola
3. Bangladesh
4. Benin
5. Bhutan
6. Burkina Faso
7. Burundi
8. Cambodia
9. Cameroon
10. Central African Republic
11. Chad
12. Comoros
13. Congo, Dem. Rep.
14. Congo, Rep.
15. Côte d'Ivoire
16. Djibouti
17. Egypt, Arab Rep.
18. Ethiopia
19. Gambia, The
20. Ghana
21. Guatemala
22. Guinea
23. Guinea-Bissau
24. Haiti
25. Honduras
26. India
27. Indonesia
28. Kenya
29. Kiribati
30. Kyrgyz Republic
31. Lao PDR
32. Lesotho
33. Liberia
34. Madagascar
35. Malawi
36. Mali
37. Mauritania
38. Micronesia, Fed. Sts.
39. Moldova
40. Morocco
41. Mozambique
42. Nepal
43. Nicaragua
44. Niger
45. Nigeria
46. Pakistan
47. Papua New Guinea
48. Philippines
49. Rwanda
50. São Tomé and Principe
51. Senegal
52. Sierra Leone
53. Solomon Islands
54. Somalia
55. Sri Lanka
56. Swaziland
57. Tajikistan
58. Tanzania
59. Timor-Leste
60. Togo
61. Uganda
62. Uzbekistan
63. Vanuatu
64. Vietnam
65. Yemen, Rep.
66. Zambia

Candidate Countries: Lower Middle Income Category

1. Armenia
2. Cabo Verde
3. El Salvador
4. Georgia
5. Jordan
6. Kosovo
7. Mongolia
8. Tunisia
9. Ukraine

Countries That Would Be Candidate Countries but for Legal Provisions That Prohibit Assistance

Countries that would be considered candidate countries for FY 2018, but are ineligible to receive United States economic assistance under part I of the

[1] Sections 606(a) and (b) of the Act provide that a country will be a candidate country for purposes of eligibility if it (1) has a per capita income equal to or less than the historical ceiling of the International Development Association eligibility for the fiscal year involved (the ''low income category'') or (2) is classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and has an income greater than the historical ceiling for International Development Association eligibility for the fiscal year involved (the ''lower middle income category''); and is not ineligible to receive U.S. economic assistance under part I of the Foreign Assistance Act of 1961, as amended (the Foreign Assistance Act), by reason of the application of the Foreign Assistance Act or any other provision of law.

[2] If the language relating to the definition of low income candidate countries is not enacted or is changed for MCC's FY 2018 appropriations act, MCC will revisit the selection process once the FY 2018 appropriations act is enacted and will conduct the selection process in accordance with the Act and applicable provisions for FY 2018.

[3] In FY 2018, the World Bank updated its estimates of gross national incomes per capita resulting in Georgia re-entering the candidate pool. However, Georgia was classified as a low income country as recently as FY 2015. Due to Georgia's transition to upper middle income status in FY 2017, the provision for gradual reclassification between LIC the LMIC pools does not apply to it. Although Georgia has re-entered the candidate pool in FY 2018, it does so as a lower middle income country and does not retain the gradual reclassification treatment it would have received this fiscal year if it had not exited the candidate pool in FY 2017. As a result, the removal of Georgia from the low income category due to its exiting of the candidate pool in FY 2017 means that there are only 74 low income countries for FY 2018 (8 of which are legally prohibited).

Foreign Assistance Act by reason of the application of any provision of the Foreign Assistance Act or any other provision of law are listed below. This list is based on legal prohibitions against economic assistance that apply as of July 21, 2017.

Prohibited Countries: Low Income Category

Bolivia is ineligible to receive U.S. economic assistance pursuant to section 706(3) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Pub. L. 107–228), regarding adherence to obligations under international counternarcotics agreements and other counternarcotics measures.

Burma is ineligible to receive U.S. economic assistance, absent special authority, because of concerns relative to its record on human rights.

Eritrea is ineligible to receive U.S. economic assistance, including due to its status as a Tier 3 country under the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7101 *et seq.*).

North Korea is ineligible to receive U.S. economic assistance, including pursuant to section 7007 of the FY 2017 SFOAA, which prohibits direct assistance to the government of North Korea.

South Sudan is ineligible to receive U.S. economic assistance pursuant to section 7042(i)(2) of the FY 2017 SFOAA, which prohibits, with limited exceptions, assistance to the central government of South Sudan until the Secretary of State certifies and reports to Congress that such government is taking effective steps to end hostilities and pursue good faith negotiations for a political settlement of the internal conflict; provide access for humanitarian organizations; end the recruitment and use of child soldiers; protect freedoms of expression, association, and assembly; reduce corruption related to the extraction and sale of oil and gas; establish democratic institutions; establish accountable military and police forces under civilian authority; and investigate and prosecute individuals credibly alleged to have committed gross violations of human rights, including at the Terrain compound in Juba, South Sudan on July 11, 2016.

Sudan is ineligible to receive U.S. economic assistance, including pursuant to section 7042(j) of the FY 2017 SFOAA, which prohibits (with limited exceptions) assistance to the government of Sudan.

Syria is ineligible to receive U.S. economic assistance, including pursuant to section 7007 of the FY 2017 SFOAA, which prohibits direct assistance to the government of Syria.

Zimbabwe is ineligible to receive U.S. economic assistance, including pursuant to section 7042(k)(2) of the FY 2017 SFOAA, which prohibits (with limited exceptions) assistance for the central government of Zimbabwe unless the Secretary of State certifies and reports to Congress that the rule of law has been restored, including respect for ownership and title to property, and freedoms of expression, association, and assembly.

Countries identified above as candidate countries, as well as countries that would be considered candidate countries but for the applicability of legal provisions that prohibit U.S. economic assistance, may be the subject of future statutory restrictions or determinations, or changed country circumstances, that affect their legal eligibility for assistance under part I of the Foreign Assistance Act by reason of application of the Foreign Assistance Act or any other provision of law for FY 2018.

[FR Doc. 2017–18657 Filed 8–31–17; 8:45 am]

BILLING CODE 9211–03–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Proposed Collection; Comment Request; 60-Day Notice for Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: National Endowment for the Arts, National Foundation on the Arts and the Humanities.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to take this opportunity to comment on the ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' for approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*). This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. This notice announces our intent to submit this collection to OMB for approval and solicits comments on specific aspects for the proposed information collection.

DATES: Written comments are due by October 31, 2017.

ADDRESSES: Send comments to: Sunil Iyengar, National Endowment for the Arts, 400 7th Street SW., Washington, DC 20506–0001, telephone (202) 682–5424 (this is not a toll-free number), fax (202) 682–5677, or send via email to *research@arts.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Melissa Menzer, 202–682–5548, *menzerm@arts.gov.*

SUPPLEMENTARY INFORMATION: Comments submitted in response to this notice may be made available to the public through posting on a government Web site. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public.

If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

The Agency will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;
- The collections are non-controversial and do not raise issues of concern to other Federal agencies;
- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- Information gathered is not used for the purpose of substantially informing influential policy decisions; and
- Information gathered yields qualitative information; the collections are not designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

Current Actions: Extension of approval for a collection of information.

Type of Review: Extension.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Below we provide projected average estimates for the next three years:

Estimated Number of Respondents Across All Three Years: 15,000.

Average Expected Annual Number of Activities: 3.

Average Number of Respondents per Activity: 1,667.

Annual Responses: 5,000.

Frequency of Response: Once per request.

Average Minutes per Response: 15.

Average Expected Annual Burden hours: 1,167.

Dated: August 29, 2017.

Kathy Daum,

Director, Administrative Services, National Endowment for the Arts.

[FR Doc. 2017–18551 Filed 8–31–17; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Establish an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request approval for the collection of research and development data through the Evaluation of the National Science Foundation Advanced Technological Education (ATE) Program survey. In accordance with the requirement of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than 3 years.

DATES: Written comments on this notice must be received by October 31, 2017 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

FOR ADDITIONAL INFORMATION, CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230; or send email to *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NSF, including whether the information shall have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title of Collection: Evaluation of the National Science Foundation Advanced Technological Education (ATE) Program.

OMB Approval Number: 3145–NEW.

Expiration Date of Current Approval: Not applicable.

Type of Request: Intent to establish an information collection.

Abstract: NSF's ATE program focuses on providing Federal funds for the education of technicians at the local, regional, and national levels in advanced technology fields (*i.e.,* advanced manufacturing, agricultural and environmental technology, biological and chemical technology, engineering, information and security, micro/nanotechnologies, and general advanced technological education) to expand the pool of skilled technicians and improve the competitiveness of the United States in international trade. The program supports the education of technicians in strategic advanced technology fields by establishing partnerships between academic institutions and industry and providing resources for the development of curriculum, professional development for college faculty and secondary teachers, and career pathways from secondary schools to 2-year institutions and from 2-year institutions to 4-year institutions. The program also aims to

coordinate 2-year and 4-year institutions' teacher training programs for prospective STEM educators in strategic advanced technology fields.

The primary goals of the ATE program are to (1) educate highly qualified science and engineering technicians to meet workforce demands in strategic advanced technology fields; (2) improve the technical skills and general science, technology, engineering, and mathematics (STEM) preparation of these technicians and the educators who prepare them at the secondary (grades 7–12) and undergraduate levels; and (3) increase the capacity of institutions for advanced technician education.

To ensure that the ATE program accomplishes its goals of producing more highly qualified science and engineering technicians and improving the skills and knowledge of educators and technicians who train them, it is important to consistently assess and improve the program's activities. Therefore, this evaluation aims to gather information on the following research questions:

1. How has ATE advanced the mission of NSF between FY 2007 and FY 2015?
2. How do individual awardees implement student-focused activities at their ATE projects/centers?
3. What are the educational outcomes of students who have participated in ATE-funded activities?
4. How do individual awardees implement faculty-focused activities at their ATE projects/centers?
5. How have program-supported activities enhanced faculty and teacher knowledge/skills/networks, especially as they relate to building capacity at institutions to address workforce needs in advanced technology fields?
6. How do grantees develop partnerships with industry to support student and faculty/teacher development?
7. How have awardee partnerships with business and industry enhanced student educational training and workforce outcomes?

Because of the nature of the ATE program and the type of information being sought, a mixed methods evaluation design will be employed. The evaluation will collect data using web surveys and qualitative methods (consisting of semi-structured interviews and focus groups), as well as draw on data from extant sources. The study components include: a descriptive implementation study that describes project implementation; a relational study of associations between project/center and student characteristics on student outcomes; and a comparative study using the U.S. Department of Education's Integrated Postsecondary Education Data System (IPEDS) data to compare degrees and certificates conferred by non-ATE-funded institutions and ATE-funded institutions before and after receipt of funding. Approval is only sought for new data that will be collected for the study, including:

► Survey data from ATE PIs who were awarded funding between 2007 and 2015 to understand how projects and centers operate and how awards are implemented: This survey collects data on the types of ATE-supported activities students engage in, program completers, graduates in the workforce, and professional development offered to secondary and postsecondary educators.

► Survey data from faculty and teachers who directly participated in ATE-funded professional development (hereafter referred to as faculty) between 2012 and 2015 to understand the perceived impact on faculty growth: This survey asks about faculty members' participation in professional development activities, professional networks or communities of practice, and whether participation in the networks or communities improved their instruction.

► Survey data from current and former students who have directly participated in ATE-funded training activities (defined as having enrolled in technology degree or certificate programs developed as part of ATE-funded work, or worked in technology labs maintained as part of ATE-funded work, or participated in industry internships created as part of ATE-funded work) between 2012 and 2015 to understand: their reasons for participating in an ATE program, the perceived value and impact of the program, skills and experiences obtained, reasons for leaving the program (if applicable), interest in pursuing advanced education or occupation in advanced technology field, and educational and occupational status obtained.

► *Semistructured interviews with PIs:* To obtain more detail on program implementation, student recruitment and retention strategies and challenges, perceptions of professional development and training on specific outcomes, and lessons learned.

► *Semistructured interviews with faculty participants:* To obtain more detail on professional development activities they engaged in and which aspects were the most and least successful with regard to perceived impact of professional development on themselves and specific student outcomes.

► *Virtual focus groups with current and former student participants:* To describe in more detail their experiences with and perceptions of the ATE program, including how they learned about the program; supports and challenges to staying in/completing the program; activities they engaged in; and perceived impact on their skills, goals/interests, and workforce readiness.

Use of the information: The primary purpose of collecting this information is program evaluation. The data collected will enable NSF to describe program components that are implemented with ATE fundsand will be used by NSF to monitor and improve the program and assess its merit and worth. The evaluation will also inform the design of a future impact evaluation.

Expected respondents: The expected respondents are up to 560 ATE PIs who have received ATE funding since 2007; 33,613 faculty members who have participated in ATE-funded professional development since 2012; and 43,763 students who have directly participated in PIs' ATE-funded work since 2012.

Estimate of burden: The collection occurs once for each respondent. The total estimate for this collection is 19,622 burden hours and $578,887.41. The calculation is shown in table 1.

TABLE 1—ESTIMATED BURDEN TO SURVEY, INTERVIEW, AND FOCUS GROUP PARTICIPANTS

Type of collection	Anticipated responses (# of persons)	Estimated annual burden (in hours)	Estimated annual burden (in dollars)
PI List Collection	142	71	$2,795.27
PI Web Survey	390	130	5,118.10
Faculty Web Survey	33,585	8,396	330,550.52
Student Web Survey	43,707	10,927	237,552.98

TABLE 1—ESTIMATED BURDEN TO SURVEY, INTERVIEW, AND FOCUS GROUP PARTICIPANTS—Continued

Type of collection	Anticipated responses (# of persons)	Estimated annual burden (in hours)	Estimated annual burden (in dollars)
PI Semistructured Interview	28	28	1,102.36
Faculty Semistructured Interview	28	14	551.18
Student Focus Group	56	56	1,217.00
Total	77,936	19,622	578,887.41

Dated: August 29, 2017.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2017–18619 Filed 8–31–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Notice of Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting September 7–8, 2017, 11545 Rockville Pike, Rockville, Maryland 20852.

Thursday, September 7, 2017, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland 20852

8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

8:35 a.m.–11:00 a.m.: Advanced Power Reactor 1400 (APR1400) (Open/Closed)—The Committee will hear briefings by and discussion with representatives of the NRC staff and Korea Hydro & Nuclear Power regarding selected chapters (7 and 18) of the safety evaluation associated with the APR1400 Design Certification. [NOTE: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

11:00 a.m.–12:00 p.m.: Preparation for ACRS Meeting with Commission (Open)—The Committee will hold a discussion of topics for the meeting in October.

1:00 p.m.–6:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will discuss proposed ACRS reports on APR1400. [NOTE: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)].

Friday, September 8, 2017, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland 20852

8:30 a.m.–10:00 a.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee and Reconciliation of ACRS Comments and Recommendations (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS Meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments. The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters. [NOTE: A portion of this meeting may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of the ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy].

10:15 a.m.–11:15 a.m.: Assessment of the Quality of Selected NRC Research Projects (Open)—The Committee will discuss the assessment of the quality of the project on Validation of Computational Fluid Dynamics Methods Using Prototypic Light Water Reactor Spent Fuel Assembly Thermal Hydraulic Data.

11:15 a.m.–12:00 p.m.: Preparation of ACRS Reports (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

1:00 p.m.–6:00 p.m.: Preparation of ACRS Reports/Retreats (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. The Committee will discuss the Working Group on Human-caused External Events and History of ACRS. [NOTE: A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4)].

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 17, 2016 (81 FR 71543). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), 5 days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agendas, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@*

nrc.gov, or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html or http://www.nrc.gov/reading-rm/doc-collections/ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated at Rockville, Maryland, this 28th day of August, 2017.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 2017–18516 Filed 8–31–17; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81488; File No. SR–FINRA–2017–028]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Implement a New Electronic Form 211

August 28, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''SEA'' or ''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 24, 2017, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by 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

FINRA is proposing a rule change relating to members' filing obligations under FINRA Rule 6432 (Compliance with the Information Requirements of SEA Rule 15c2–11). The proposal implements a new electronic Form 211 in place of the current paper form.

The proposed rule change does not make any changes to the text of FINRA rules.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA 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, FINRA 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. FINRA 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

SEA Rule 15c2–11 generally prohibits a broker-dealer from publishing any quotation for a security not listed or traded on a national securities exchange, or directly or indirectly, submitting any such quotation for publication, in any quotation medium,[4] unless it has gathered and reviewed specified information about the issuer and security that is the subject of the quotation and has a reasonable basis under the circumstances for believing that such information is accurate in all material respects and obtained from a reliable source. The information requirements applicable to a security under SEA Rule 15c2–11 differ depending on the characteristics of the issuer and the security being quoted.

FINRA Rule 6432 (Compliance with the Information Requirements of SEA Rule 15c2–11) facilitates member compliance with SEA Rule 15c2–11 by prescribing the method by which member firms must demonstrate to FINRA compliance with SEA Rule 15c2–11.[5] Rule 6432 generally provides that no member shall initiate or resume quotations in a non-exchange-listed security unless the member demonstrates compliance by making a filing with, and in the form required by, FINRA (''Form 211''). FINRA currently requires members to comply with Rule 6432 by submitting a paper Form 211, which, pursuant to this filing, will be replaced with the proposed electronic Form 211. Form 211 is designed to gather pertinent information regarding the subject issuer and security, the member's knowledge of and relationship with the issuer, and the member's intended quotation activities with respect to the subject security. FINRA currently administers the Form 211 manually—in paper form—and members transmit the form to FINRA via mail, email, or fax.

FINRA proposes to transition to an electronic Form 211, which would be accessible to member firms through FINRA's Firm Gateway.[6] The electronic Form 211 generally solicits the same information currently requested in the paper form[7] and, in addition to a cover page, contains five sections covering: (1) Issuer and security information; (2) information required pursuant to SEA Rule 15c2–11(a)(1), (a)(2), (a)(3), (a)(4) or (a)(5), as applicable; (3) information required pursuant to paragraphs (b)(1) through (b)(3) of SEA Rule 15c2–11; (4)

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] Rule 15c2–11 defines ''quotation medium'' as any '' 'interdealer quotation system' or any publication or electronic communications network or other device which is used by brokers or dealers to make known to others their interest in transactions in any security, including offers to buy or sell at a stated price or otherwise, or invitations of offers to buy or sell.''

[5] For purposes of Rule 6432, the term ''non-exchange-listed security'' means any equity security, other than a Restricted Equity Security (defined in FINRA Rule 6420(k)), that is not traded on any national securities exchange. *See* Rule 6432(e).

[6] The Firm Gateway is a single point of service that allows members to quickly interact with FINRA. The Firm Gateway provides consolidated access to regulatory applications and filings, and FINRA's electronic billing system; one-click quick access to common tasks, useful resources and key firm information; an at-a-glance view of important filing dates, tasks and events; and centralized FINRA Information Requests. The applications and filings that firms can access through the Firm Gateway include: Web CRD, IARD, OATS, Report Center and virtually all electronic regulatory filing applications, including FOCUS, Firm Profile, FINRA Contact System, and Rule 4530 Customer Complaints.

[7] A copy of the proposed electronic Form 211 is attached as Exhibit 3.

supplemental information; and (5) the certification.[8]

Cover Page and Issuer and Security Information

The proposed electronic Form 211, as does the current paper Form 211, includes a general section (*i.e.,* cover page) setting forth the instructions for completing the form and requesting that the member identify the quotation medium on which it intends to initiate quotations. The proposed electronic form also requests that members select the paragraph of SEA Rule 15c2–11 under which the application is being submitted (*i.e.,* paragraph (a)(1), (a)(2), (a)(3), (a)(4) or (a)(5)), which would identify the version of the form to be completed by the member, consistent with the information requirements that are applicable to each subparagraph of SEA Rule 15c2–11.

The issuer and security information section of the proposed electronic Form 211 requests the same basic information regarding the security and issuer that currently is requested in the paper form, including, among other things, the name and address of the issuer and its transfer agent; the security's symbol (if assigned); type of security; the security's CUSIP number; the total number of shares outstanding at the end of the issuer's most recent fiscal year; the initial price of the quotation sought to be entered (if any); and the basis upon which such price was determined and the factors considered in making such determination. The proposed electronic Form 211 also includes a request for the transfer agent's telephone number.[9]

Specific Information Requirements

As is currently the case with the paper Form 211, the proposed electronic Form 211 requests information specific to the requirements set forth in SEA Rule 15c2–11 paragraphs (a)(1), (a)(2), (a)(3), (a)(4) or (a)(5), as applicable. SEA Rule 15c2–11 generally requires that members have a reasonable basis for believing that the specified Form 211 information is accurate in all material respects and obtained from a reliable source. Thus, in demonstrating compliance with SEA Rule 15c2–11 and FINRA Rule 6432, members provide a variety of supporting documentation to FINRA. In addition to the information specifically required by Form 211, which is described below, the electronic form also permits members to submit additional supporting information and documentation electronically.[10]

Electronic Form 211—SEA Rule 15c2–11(a)(1) Requirements

For applications submitted under paragraph (a)(1) of SEA Rule 15c2–11 (for recent offerings pursuant to Section 10(a) of the Securities Act of 1933 (''1933 Act'')), the current paper Form 211 requests that the member provide the prospectus that became effective less than 90 calendar days prior to the filing of the Form 211, as specified by Section 10(a) of the 1933 Act. The current paper form also asks for the SEC effective date of the recent offering and the date the security was issued. The proposed electronic form continues to solicit this information.

Electronic Form 211—SEA Rule 15c2–11(a)(2) Requirements

For applications submitted under paragraph (a)(2) of SEA Rule 15c2–11 (for recent offerings pursuant to Regulation A), the current paper Form 211 requests that the member provide the offering circular that became effective less than 40 calendar days prior to the filing of the Form 211, as provided for under Regulation A of the 1933 Act. The current paper form similarly requests the date the offering circular became qualified less than 40 calendar days prior to the filing of the Form 211 and the date of the most recent security issuance. The electronic Form 211 continues to require information on when the Regulation A offering was qualified by the SEC and the date the security was issued.

Electronic Form 211—SEA Rule 15c2–11(a)(3) and (a)(4) Requirements

For applications submitted under paragraph (a)(3) of SEA Rule 15c2–11 (for SEC reporting companies), the current paper Form 211 requests that the member provide the issuer's most recent annual report filed pursuant to Section 13 or 15(d) of the Act or the annual statement referred to in Section 12(g)(2)(G)(i) of the Act, and provide quarterly and other current reports filed after the issuer's most recent annual report or statement. The current form also asks that members list each report or statement and applicable amendments filed by the issuer through EDGAR that the member has in its possession that meets the requirements of this section. The proposed electronic Form 211 modifies the current informational requirements in the paper form to incorporate recent changes to SEA Rule 15c2–11.[11] Thus, in addition to requesting that the member provide the issuer's most recent annual report filed pursuant to Section 13 or 15(d) of the Act or a copy of the annual statement referred to in Section 12(g)(2)(G)(i) of the Act, the electronic form also covers reports and statements filed pursuant to Regulation A.

For applications submitted under paragraph (a)(4) of SEA Rule 15c2–11 (for foreign private issuers), the current paper Form 211 requests that the member provide the following information regarding the issuer's reliance upon Rule 12g3–2(b) of the SEA: (1) The foreign exchange(s) on which the subject class of securities is listed that, either singly or together with the trading of the same class of the issuer's securities in another foreign jurisdiction, constitutes the primary trading market for those securities; (2) the symbol(s) of the security(ies) that trades on the foreign exchange(s); and (3) the location of the internet Web site or electronic information delivery system that the member firm would provide upon request to any person to direct them to the information that the issuer published electronically pursuant to Rule 12g3–2(b). This information will continue to be solicited on the electronic form.

Electronic Form 211—SEA Rule 15c2–11(a)(5) Requirements

For applications submitted under paragraph (a)(5) of SEA Rule 15c2–11 (for non-SEC reporting companies and all other companies), the current paper Form 211, among other things, requires that members provide the issuer's most recent balance sheet, profit and loss and retained earnings statements, equivalent financial information for the two prior fiscal years for the issuer or any predecessor company, and the

[8] FINRA has reorganized some of the informational content and made other technical changes to conform to the new electronic format.

[9] The current paper form, as does the proposed electronic form, also requests the issuer's telephone number, fiscal year end date, date and state of incorporation, par or stated value of the security, the complete title and class of the security, the issuer's SIC Code and, if applicable, the CIK number.

A Standard Industrial Classification or ''SIC'' Code is used by government agencies to classify industry areas. A Central Index Key or ''CIK'' is a unique identifier assigned by the SEC to all companies and people who file disclosure documents through EDGAR with the SEC.

[10] FINRA currently requests additional information in follow-up correspondence as necessary to support a member's Form 211 submission. Follow-up correspondence relating the electronic Form 211 will be sent via Request Manager—a FINRA electronic correspondence system.

[11] As part of its amendments to Regulation A and other rules and forms to implement Section 401 of the Jumpstart Our Business Startups (JOBS) Act, the Commission amended SEA Rule 15c2–11 to permit an issuer's ongoing reports filed under Regulation A to satisfy a broker-dealer's obligations to review and maintain certain information about an issuer's quoted securities. *See* JOBS Act, Public Law 112–106, 401, 126 Stat. 306, 323–325 (2012).

documents that support the information provided in the Form 211.

In addition, the current paper form requires that the member: (1) Describe the issuer's business, products/services offered by the issuer, and the issuer's facilities; (2) list the name(s) of the current chief executive officer(s) and members of the board of directors of the issuer; (3) provide information as to whether the member (or any person associated with it) is affiliated directly or indirectly with the issuer and, if so, the nature of such affiliation; (4) provide information as to whether the quotation sought to be displayed is being published or submitted on behalf of another broker-dealer and, if so, the name of such broker-dealer; and (5) provide information on whether the quotation sought to be displayed is being published or submitted directly or indirectly on behalf of the issuer or any director, officer or any person who is directly or indirectly the beneficial owner of more than ten percent of the outstanding units or shares of any equity security of the issuer, and, if so, the name of the person (and the basis for any exemption under the federal securities laws for sales of such securities on behalf of this person). The proposed electronic Form 211 continues to request this information. Because the proposed electronic Form 211 allows documents to be uploaded, the process of supplying FINRA with the supporting documentation, which, historically, has been provided by members in hard copy, would be improved. For example, a member could upload a recent annual report to document multiple items of information, such as the issuer's name, current chief executive officer, description of its business and facilities, and other required information.

Electronic Form 211—SEA Rule 15c2–11(b) Requirements and Supplemental Information

Paragraph (b) of SEA Rule 15c2–11 requests information required pursuant to paragraphs (b)(1) through (b)(3) of SEA Rule 15c2–11. Among other things, the current paper form requires members to describe the circumstances surrounding the submission of the application and requests that the member include the identity of any person for whom the quotation is being submitted and any information provided to the member by such person. The proposed electronic Form 211 would continue to request this information,[12] and also provides members the ability to upload any additional information and documentation the firm would like to submit to supplement its Form 211.

Certifications

Finally, the certifications required by the proposed electronic Form 211 mirror those contained in the current paper form, including that the undersigned must have a reasonable basis for believing that the information accompanying the form is accurate in all material respects and that the sources of information are reliable; that the undersigned understands and acknowledges that this affirmative review obligation applies to all subsequent submissions made in connection with the Form 211 application; that the undersigned certifies that they have examined the form and, to the best of their knowledge, it is true, correct, and complete; that neither the member nor associated person have accepted or will accept any payment or other consideration, directly or indirectly, from the issuer of the security to be quoted, or any affiliate or promoter thereof, for publishing a quotation or acting as market maker in the security to be quoted, or submitting an application in connection therewith (including the submission of the Form 211); and that the undersigned acknowledges that copies of the form, accompanying documents, and subsequent submissions may be provided to the SEC, other regulatory agencies, or to the quotation medium(s) on which the security is or will be quoted.[13]

FINRA has filed the proposed rule change for immediate effectiveness. FINRA will announce the implementation date of the proposed rule change in a *Regulatory Notice.* The implementation date will be no later than 90 days after the date of the filing.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[14] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

FINRA believes the proposal will simplify and streamline the process by which members submit Form 211s, making it more efficient for both FINRA and members. As noted above, the proposed electronic form will be accessible through FINRA's Firm Gateway, enabling members to complete the Form 211 electronically, as well as upload supporting documentation. Thus, FINRA believes the proposal enhances FINRA's oversight of the Form 211 process, thereby supporting FINRA's efforts under Rule 6432 to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest with respect to non-exchange-listed securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA 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. The proposal is intended to simplify the Form 211 process and increase efficiency for both FINRA and the firms that file Form 211s without any loss in the information that is being collected. By implementing an electronic Form 211, FINRA believes the proposal promotes more efficient compliance with respect to the requirements around initiating and resuming quotations for non-exchange-listed securities. In addition, the proposal applies equally to any firm that submits a Form 211, as all member firms have access to the FINRA Gateway, and new firms receive login credentials upon registration with FINRA. As a result, FINRA believes the proposal will not have a significant impact on competition among firms that seek to publish quotations for non-exchange-listed securities.

To the extent that the manual administration of Form 211 in paper form was viewed by members as burdensome, those participants should

[12] The current paper form also asks whether the issuer or its predecessor (if any) has been subject to a trading suspension order issued by the SEC during the past 12 months. If a trading suspension order has been issued, the member must provide a copy of the order or of the SEC's public release announcing the trading suspension order. The proposed electronic Form 211 also includes this information request. If the member selects ''yes,'' an upload of a copy of the order or SEC public release announcing the trading suspension order is required; additional explanatory text is optional.

The current paper form requires members to provide any material information, including adverse information regarding the issuer, of which the member is aware or has in its possession. The proposed electronic Form 211 also includes this information request. If the member selects ''yes,'' an explanatory text entry is required; a document upload is optional.

[13] The proposed electronic Form 211 slightly modifies the contact information requested under this section; specifically, it requests the email address of the contact in lieu of a fax number, and the phone number and email address of the registered principal responsible for submitting the form. The proposed electronic Form 211 also requests an email address for correspondence sent via Request Manager.

[14] 15 U.S.C. 78*o*–3(b)(6).

benefit from electronic submission of the Form 211 via Firm Gateway, which would permit members to mitigate any direct or indirect costs associated with mailing, emailing or faxing the paper form and other supporting information and documentation.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor 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) of the Act [15] and Rule 19b–4(f)(6) thereunder.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is 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 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–FINRA–2017–028 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–FINRA–2017–028. 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 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2017–028 and should be submitted on or before September 22, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–18533 Filed 8–31–17; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f)(6).

[17] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 15267 and # 15268; TEXAS Disaster Number TX–00485]

Administrative Declaration of a Disaster for the State of TEXAS

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Texas dated August 24, 2017.

DATES: Issued on August 24, 2017.

Physical Loan Application Deadline Date: 10/23/2017.

Economic Injury (EIDL) Loan Application Deadline Date: 05/24/2018.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

Incident: Severe Storms, Straight-line Winds, Heavy Rains, Hail and Flooding.

Incident Period: 06/30/2017 through 07/04/2017.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Hockley.

Contiguous Counties: Texas.

Bailey, Cochran, Hale, Lamb, Lubbock, Lynn, Terry, Yoakum.

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 15267 B and for economic injury is 15268 0.

The States which received an EIDL Declaration # are Texas.

(Catalog of Federal Domestic Assistance Number 59008)

Dated: August 24, 2017.

Linda E. McMahon,

Administrator.

[FR Doc. 2017–18625 Filed 8–31–17; 8:45 am]

BILLING CODE 8025–01–P

STATE JUSTICE INSTITUTE

SJI Board of Directors Meeting, Notice

AGENCY: State Justice Institute.

ACTION: Notice of meeting.

SUMMARY: The SJI Board of Directors will be meeting on Monday, September 11, 2017 at 1:45 p.m. The meeting will be held at the Umstead Hotel in Cary, North Carolina. The purpose of this meeting is to consider grant applications for the 4th quarter of FY 2017, and other business. All portions of this meeting are open to the public.

ADDRESSES: Umstead Hotel, 100 Woodland Pond Drive, Cary, NC 27513.

FOR FURTHER INFORMATION CONTACT: Jonathan Mattiello, Executive Director, State Justice Institute, 11951 Freedom Drive, Suite 1020, Reston, VA 20190, 571–313–8843, *contact@sji.gov.*

Jonathan D. Mattiello,

Executive Director.

[FR Doc. 2017–18595 Filed 8–31–17; 8:45 am]

BILLING CODE 6820–SC–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36142]

Savage Davenport Railroad Company—Lease and Operation Exemption—City of Davenport, Iowa

Savage Davenport Railroad Company (SDR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease from the City of Davenport, Iowa (City) and to operate a 2.8-mile line of railroad (the Line).[1] The Line extends west and south from a point about 75 feet from milepost 191.2 on a CP mainline, near Davenport, Iowa, to the City-owned Davenport Transload Facility.[2]

This transaction is related to a concurrently filed verified notice of exemption in *Savage Services Corporation—Continuance in Control Exemption—Savage Davenport Railroad Company,* Docket No. FD 36142 (Sub-No. 1), in which Savage Services Corporation seeks Board approval to continue in control of SDR upon SDR's becoming a Class III rail carrier.

SDR certifies that its projected annual revenues as a result of this transaction will not result in the creation of a Class I or Class II rail carrier and will not exceed $5 million. SDR also states that there are no provisions or agreements limiting interchange with other carriers.

The transaction may be consummated on or after September 15, 2017, the effective date of the exemption (30 days after the verified notice of exemption was filed). If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than September 8, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36142, must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on applicant's representative, Richard F. Riley Jr., Foley & Lardner LLP, 3000 K Street NW., Suite 600, Washington, DC 20007–5109.

According to SDR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available on our website at *WWW.STB.GOV.*

Decided: August 29, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Renà Laws-Byrum,

Clearance Clerk.

[FR Doc. 2017–18582 Filed 8–31–17; 8:45 am]

BILLING CODE 4915–01–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36142 (Sub-No. 1)]

Savage Services Corporation—Continuance in Control Exemption—Savage Davenport Railroad Company

Savage Services Corporation (Savage) has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Savage Davenport Railroad Company (SDR) upon SDR's becoming a Class III rail carrier.

This transaction is related to a concurrently filed verified notice of exemption in *Savage Davenport Railroad Company—Lease & Operation Exemption—City of Davenport, Iowa,* Docket No. FD 36142. In that proceeding, SDR seeks an exemption under 49 CFR 1150.31 to lease and operate a 2.8-mile line of railroad owned by the City of Davenport, Iowa.

The earliest this transaction may be consummated is September 15, 2017, the effective date of the exemption (30 days after the verified notice was filed). SDR states that it intends to consummate the transaction in October 2017.

Savage is a privately held company that controls Savage, Bingham & Garfield Railroad Company (SBG), a Class III rail carrier.

Savage represents that: (1) The rail lines of SDR and SBG do not connect with each other; (2) the continuance in control is not part of a series of anticipated transactions that would connect the rail line to be operated by SDR with any other railroad in applicant's corporate family; and (3) there are no other rail carriers in the Savage corporate family.[1] Therefore, the proposed transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under Section 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than September 8, 2017 (at least seven days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 36142 (Sub-No. 1) must be filed with the Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on applicant's representative, Richard F. Riley Jr., Foley & Lardner LLP, 3000 K Street NW., Suite 600, Washington, DC 20007–5109.

[1] In addition to leasing the Line from the City, SDR indicates that it is entering into an interchange agreement with Dakota, Minnesota and Eastern Railroad Corporation, a rail carrier subsidiary of Canadian Pacific Railway Limited (CP).

[2] SDR indicates that the Board approved the City's construction of the subject line in *City of Davenport, Iowa—Construction & Operation Exemption—in Scott County, Iowa,* FD 35237 (STB served April 6, 2011). SDR states that there are no mileposts on the subject line but that it may install mileposts at a later date.

[1] Although Savage does not explicitly state that its transaction will not involve a Class I carrier, *see* 49 CFR 1180.2(d)(2)(iii), the Board infers such as SBG is a Class III carrier, SDR has sought an exemption under 49 CFR 1150.31 to become a Class III carrier, and there are no other rail carriers in the Savage corporate family.

Board decisions and notices are available on our Web site at ''*WWW.STB.GOV.*''

Decided: August 29, 2017.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Rena' Laws-Byrum,

Clearance Clerk.

[FR Doc. 2017–18583 Filed 8–31–17; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. 2017–63]

Petition for Exemption; Summary of Petition Received; Vincenzo Tassi Martins: Child Restraint System

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

ACTION: Notice.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before September 11, 2017.

ADDRESSES: Send comments identified by docket number FAA–2017–0796 using any of the following methods:

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

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.*

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

FOR FURTHER INFORMATION CONTACT: Brittany Newton, (202) 267–6691, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on August 28, 2017.

Lirio Liu,

Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2017–0796.

Petitioner: Vincenzo Tassi Martins: Child Restraint System.

Section(s) of 14 CFR Affected: 121.311.

Description of Relief Sought: Petitioner seeks an exemption from § 121.311 to the extent necessary to allow her son to use the CANGURU AX2–30 35 on U.S.-registered aircraft in commercial air carrier operations under part 121. The petitioner states that the CANGURU AX2–30 35 will be securely strapped in a passenger seat and her son will be secured with the internal restraints.

[FR Doc. 2017–18535 Filed 8–31–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0151]

Request for Comments on the Renewal of a Previously Approved Information Collection: Title XI Obligation Guarantees—46 CFR Part 298

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information to be collected will be used to evaluate an applicant's project and capabilities, make the required determinations, and administer any agreements executed upon approval of loan guarantees. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Comments must be submitted on or before October 31, 2017.

ADDRESSES: You may submit comments identified by Docket No. DOT–MARAD–2017–0151 through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Search using the above DOT docket number and follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Brian Rogers, 202–366–8159, Office of Marine Financing, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Title: Title XI Obligations Guarantees—46 CFR part 298.

OMB Control Number: 2133–0018.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: In accordance with 46 U.S.C. Chapter 537, the Maritime Administration (MARAD) is authorized to execute a full faith and credit guarantee by the United States of debt obligations issued to finance or refinance the construction or reconstruction of vessels. In addition, the program allows for financing

shipyard modernization and improvement projects.

Respondents: Individuals/businesses interested in obtaining loan guarantees for construction or reconstruction of vessels as well as businesses interested in shipyard modernization and improvements.

Affected Public: Individuals/businesses interested in obtaining loan guarantees for construction or reconstruction of vessels as well as businesses interested in shipyard modernization and improvements.

Estimated Number of Respondents: 10.

Estimated Number of Responses: 10.

Estimated Hours per Response: 150.

Annual Estimated Total Annual Burden Hours: 1500.

Frequency of Response: Annually.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

* * *

By Order of the Maritime Administrator.

Dated: August 29, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–18594 Filed 8–31–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0143]

Request for Comments on the Renewal of a Previously Approved Information Collection: Automated Mutual Assistance Vessel Rescue System (AMVER)

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. The collection of information is necessary for plotting of U.S.-flag and U.S.-owned vessel locations. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on April 24, 2017 (**Federal Register** 18966, Vol. 82, No.77).

DATES: Comments must be submitted on or before October 2, 2017.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Russell Krause, 202–366–1031, Division of Sealift Operations and Emergency Response, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Title: Automated Mutual Assistance Vessel Rescue System (AMVER).

OMB Control Number: 2133–0025.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: This collection of information is used to gather information regarding the location of U.S.-flag vessels and certain other U.S. citizen-owned vessels for the purpose of search and rescue in the saving of lives at sea and for the marshalling of ships for national defense and safety purposes. This collection consists of vessels that transmit their positions through various electronic means.

Respondents: U.S.-flag and U.S. citizen-owned vessels that are required to respond under current statute and regulation.

Affected Public: U.S.-flag and U.S. citizen-owned vessels that are required to respond under current statute and regulation.

Estimated Number of Respondents: 171.

Estimated Number of Responses: 31293/183 per respondent.

Estimated Hours per Response: .07.

Annual Estimated Total Annual Burden Hours: 2,191.

Frequency of Response: Annually.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

* * *

By Order of the Maritime Administrator.

Dated: August 29, 2017

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–18592 Filed 8–31–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2017–0152]

Request for Comments on the Renewal of a Previously Approved Information Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. The collection involves collecting, analyzing, and interpreting information to identify strengths and weaknesses of current services and make improvements in service delivery based on feedback. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on May 19, 2017, (**Federal Register** 23123, Vol. 82, No. 96).

DATES: Comments must be submitted on or before October 2, 2017.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Barbara Jackson, 202–366–0615, Office of Management and Administrative Services, Maritime Administration, Department of Transportation, 1200 New Jersey Avenue SE., W26–494, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Comments are invited on: (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways

that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

OMB Control Number: 2133–0543.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

Respondents: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Affected Public: Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Estimated Number of Respondents: 8,696.

Estimated Number of Responses: 8,696.

Estimated Hours per Response: 10 minutes.

Annual Estimated Total Annual Burden Hours: 1,449.

Frequency of Response: Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.).

* * * * *

By Order of the Maritime Administrator.

Dated: August 29, 2017.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2017–18593 Filed 8–31–17; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0072; Notice 1]

Jaguar Land Rover North America, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Jaguar Land Rover North America, LLC (JLR), on behalf of Jaguar Land Rover Limited, has determined that certain model year (MY) 2012–2018 Jaguar motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 135, *Light Vehicle Brake Systems.* JLR filed a noncompliance report dated June 22, 2017. JLR also petitioned NHTSA on July 20, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is October 2, 2017.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) Web site at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. Overview: Jaguar Land Rover North America, LLC (JLR), on behalf of Jaguar Land Rover Limited, has determined that certain model year (MY) 2012–2018 Jaguar motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 135, *Light Vehicle Brake Systems.* JLR filed a noncompliance report dated June 22, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* JLR also petitioned NHTSA on July 20, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of JLR's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 126,127 of the following Jaguar motor vehicles, manufactured between February 8, 2012, and June 19, 2017, are potentially involved:

- 2017–2018 Jaguar F-Pace
- 2017–2018 Jaguar XE
- 2017–2018 Jaguar XF
- 2014–2018 Jaguar F–TYPE
- 2013–2017 Jaguar XJ
- 2012–2015 Jaguar XK

III. Noncompliance: JLR explains that the noncompliance is that the brake fluid warning statement label on the subject vehicles is not permanently affixed as required by paragraph S5.4.3(a) of FMVSS No. 135. Specifically, JLR installed a label that fits over the neck of the brake fluid reservoir that can be removed when the brake fluid reservoir cap is removed.

IV. Rule Text: Paragraph S5.4.3(a) of FMVSS No. 135 states, in pertinent part:

S5.4.3 *Reservoir labeling.* Each vehicle equipped with hydraulic brakes shall have a brake fluid warning statement that reads as follows, in letters at least 3.2 mm (⅛ inch) high: ''WARNING: Clean filler cap before removing. Use only ____fluid from a sealed container.'' (inserting the recommended type of brake fluid as specified in 49 CFR 571.116, *e.g.,* ''DOT 3.'') The lettering shall be. . .

. . .

(a) Permanently affixed, engraved or embossed;. . .

V. Summary of JLR's Petition: As background, in JLR's noncompliance report, JLR stated that a Product Safety and Compliance Committee (PSCC) Investigation was opened on June 6, 2017, following communication from a safety compliance engineer from NHTSA's Office of Vehicle Safety Compliance. The communication highlighted a concern where the brake reservoir label was not permanently affixed to the brake fluid reservoir as required by FMVSS No. 135, *Light Vehicle Brake Systems.* On June 13, 2017, JLR's PSCC concluded that the concern should be progressed to the Recall Determination Committee (RDC). The RDC reviewed all information on June 15, 2017, and concluded that the issue represented a compliance concern to FMVSS No. 135, Light Vehicle Brake Systems, but that the condition was considered inconsequential and requested that a petition for decision of inconsequential noncompliance be filed with NHTSA.

JLR described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, JLR submitted the following reasoning:

1. The installed label will not fall off or become displaced during normal vehicle use or operation.

2. The installed label provides mechanical resistance to being removed.

3. There is interference between the installed label and reservoir filler neck such that a minimum of 2mm interference exists.

4. The installed label is only able to be removed when the brake fluid reservoir cap is displaced which, based on routine maintenance schedules, is once every 3 years in service.

5. The filler cap shows clearly the specification of brake fluid required.

6. The filler cap provides clear symbols including one for caution and one referring to handbook instructions. The owner's handbook descriptions indicate the proper brake fluid specification to be used in the vehicle.

7. The installed cap conforms to the requirements of ISO9128:2006 which is a requirement of UN–ECE Regulation 13 and 13h. NHTSA has previously granted petitions to accept ISO symbols in the absence of FMVSS labelling:

a. Jaguar Land Rover petition regarding controls and displays including brake system-related telltales (FR Vol.78, No. 213 Pg. 66101–66103).

b. Ford petition regarding controls and displays including brake system-related telltales (FR Vol. 78, No. 225 Pg 69931–69932)

c. Hyundai petition regarding lower anchorage identification (FR Vol. 73, No. 129 Pg. 38290–38291).

8. JLR has not received any customer complaints on this issue.

9. There have been no accidents or injuries as a result of this issue.

10. Vehicle production has been corrected to fully conform to FMVSS No. 135, *Light Vehicle Brake Systems,* S5.4.3(a) with a new filler cap.

JLR concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that JLR no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after JLR notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Jeffrey M. Giuseppe,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2017–18627 Filed 8–31–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2016–0094; Notice 2]

Michelin North America, Inc., Denial of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition.

SUMMARY: Michelin North America, Inc. (MNA), has determined that certain MNA tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles.* MNA filed a noncompliance report dated September 1, 2016. MNA then petitioned NHTSA

on September 8, 2016, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

ADDRESSES: For further information on this decision contact Abraham Diaz, Office of Vehicle Safety Compliance, the National Highway Traffic Safety Administration (NHTSA), telephone (202) 366–5310, facsimile (202) 366–3081.

SUPPLEMENTARY INFORMATION:

I. Overview

Michelin North America, Inc. (MNA), has determined that certain MNA tires do not fully comply with paragraph S6.5(d) of Federal Motor Vehicle Safety Standard (FMVSS) No. 119, *New pneumatic tires for motor vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and motorcycles*. MNA filed a noncompliance report dated September 1, 2016, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*. MNA then petitioned NHTSA on September 8, 2016, pursuant to 49 U.S.C. 30118(d) and 30120(h) and their implementing regulations at 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published, with a 30-day public comment period, on November 10, 2016 in the **Federal Register** (81 FR 79093). No comments were received. To view the petition and all supporting documents log onto the Federal Docket Management System (FDMS) Web site at: *https://www.regulations.gov/*. Then follow the online search instructions to locate docket number ''NHTSA–2016–0094.''

II. Tires Involved

Affected are approximately 184 Michelin Pilot Power 3 size 180/55ZR17 M/C (73W) replacement motorcycle tires manufactured between April 17, 2016, and May 7, 2016.

III. Noncompliance

MNA describes the noncompliance as the inadvertent omission of the markings designating the maximum load and corresponding inflation pressure for that load, as required by paragraph S6.5(d) of FMVSS No. 119.

IV. Rule Text

Paragraph S6.5(d) of FMVSS No. 119 provides, in pertinent part:

S6.5 Tire markings. Except as specified in this paragraph, each tire shall be marked on each sidewall with the information specified in paragraphs (a) through (j) of this section. . .

(d) The maximum load rating and corresponding inflation pressure of the tire, shown as follows:

(Mark on tires rated for single and dual load): Max load single __kg (__lb) at __kPa (__psi) cold. Max load dual __kg (__lb) at __kPa (__psi) cold.

(Mark on tires rated only for single load): Max load __kg (__lb) at __kPa (__psi) cold. . .

V. Summary of MNA's Petition

MNA described the subject noncompliance and contends that the noncompliance is inconsequential for motor vehicle safety.

In support of its petition, MNA submitted the following reasoning:

A. *Installation*—The subject tires provide sidewall markings that include the correct industry standard tire size identified as ''180/55ZR17 M/C,'' the service description identified as ''(73W)'' using an ISO load index and speed symbol, and the load range identified as Load Range ''B.'' This properly and precisely identifies the tire for correct installation.

B. *Inflation Pressure*—MNA points out that the correct application pressures for the front and rear positions are identified on the motorcycle vehicle placard as required by 49 CFR part 567 and in the owner's manual, and these sources are referred to specifically in information published by NHTSA, motorcycle manufacturers, and tire manufacturers. The inflation pressures furnished by the motorcycle manufacturer via these two sources are the pressures that provide the load capacity and the motorcycle manufacturer's intended ride and handling characteristics for the specific motorcycle involved. MNA stressed that the sidewall marking omitted from the tires at issue is not the recommended operating inflation pressure and that this fact is well known to motorcycle owners.

1. For example, MNA observes that NHTSA's online ''Motorcycle Safety Tips'' specifically refers to the owner's manual and vehicle placard: ''*Look in your motorcycle owner's manual to find the right PSI (pounds per square inch) of air pressure for your tires. Some bike manufacturers also list this information on the bike itself. Common locations include the swing arm, front fork tubes, inside the trunk, and under the seat.*''

2. Additionally, MNA argues that the Motorcycle Industry Council Tire Guide explains, ''*Check the air pressure when the tires are cold . . . and adjust it according to your motorcycle owner's manual or the tire information label on the chain guard, frame, or swingarm.*''

3. Similarly, Michelin's Professional Motorcycle Tire Guide 2016 states: ''*Use the inflation pressure recommended by the motorcycle manufacturer . . . The proper inflation pressures for your motorcycle tires are shown in your motorcycle owner's manual.*''

4. According to MNA, the applicable pressure is also a function of the maximum speed capability of the motorcycle, another reason that the proper source for tire inflation pressure is the motorcycle vehicle placard or owner's manual rather than the tire sidewall.

5. Michelin's Professional Motorcycle Tire Guide 2016 and the Motorcycle Industry Tire Guide both advise not to exceed the pressure marked on the sidewall when setting a usage pressure. MNA also notes, the recommended pressure on the motorcycle vehicle placard and the motorcycle owner's manual conforming to 49 CFR 571.120 will never exceed the sidewall pressure for a properly fitted tire as described above in section ''A'' (Installation). The tire size, load index, speed symbol, and load range all provide for proper installation. Additionally, MNA states that the sidewall pressure is not a ''maximum'' pressure. It is the pressure corresponding to the maximum load. For example, Michelin's Professional Motorcycle Tire Guide 2016 advises that the pressure regulator be set at 60 psi for mounting motorcycle tires, and the Michelin motorcycle Web site FAQ's explain that up to 60 psi of pressure can be used to seat beads when mounting motorcycle tires and then adjusted to the recommended pressure found on the vehicle placard or owner's manual. The sidewall pressure corresponding to the maximum load on the subject tire is 290 kPa or 42 psi.

C. *Max Load Information*—MNA argues that the maximum load value corresponding to the ISO load index on the tire is published in Michelin's Professional Motorcycle Tire Guide 2016 available online, the Motorcycle Industry Council Tire Guide available online, as well as a number of retail sites. The ISO load index of ''73'' and the designation Load Range ''B'' that are present on the tire provide load description information, and along with the tire size they provide a clear cross reference to the cited publications that offer the load value in pounds if needed. Again, in MNA's view, the tire size and load range provided are sufficient to assure the tire is appropriate for the motorcycle and the corresponding inflation pressure requirements as a function of speed capability are displayed on the vehicle's placard as well as the owner's manual.

D. *Other Markings*—MNA notes that all other markings conform to the applicable regulations.

E. *Performance*—The MNA petition also observes that the subject tire meets all performance requirements of FMVSS No. 119.

MNA concluded by expressing the belief that the subject noncompliance is inconsequential to motor vehicle safety, and that its petition for exemption from

providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA's Decision

NHTSA's Analysis: NHTSA has reviewed Michelin's petition and has determined that the petitioner has not met the burden of persuasion that the subject noncompliance is inconsequential to motor vehicle safety. Specifically, failing to mark the maximum load and corresponding inflation pressure for that load in both Metric and English units on the sidewall of the tires puts an enormous burden on end users to ensure that the subject tires will be properly installed, used, and serviced in accordance with the tire's maximum capability. In the FMVSS No. 119 final rule (Nov. 13, 1973; 38 FR 31299), the Agency explained the purpose of labeling the subject tires with maximum load and pressure. The final rule states:

> The trucking industry questioned the advisability of labeling maximum inflation and load rating on the tire because it appeared to prohibit the adjustment of pressures to road conditions. The purpose of the labeling is to . . . warn the user of the tire's maximum capabilities.''
>
> Furthermore, in the same rulemaking, the Agency provided relief to manufacturers by accepting the commenters' proposal to have the information only required on one side of M/C tires: ''Several manufacturers suggested that labeling appear on only one side of a tire when both sides of the tire, as mounted, will be available for inspection. Accordingly, motorcycle tires must now be labeled on one side wall only, . . .

The complete lack of maximum load and corresponding inflation pressure information on the subject Michelin motorcycle tires creates a potential safety hazard to the end users of these tires. NHTSA reiterates that marking tires with the maximum load and corresponding inflation pressure is necessary for achieving the following: (A) Proper installation on the vehicle—in this case a motorcycle, (B) proper inflation pressure even when application pressures for the front and rear positions are identified on the motorcycle vehicle placard or vehicle owner's manual, and (C) proper usage because the tire size, speed symbol, and load index do not adequately or easily convey the maximum load and pressure capability of a tire. Tire size, speed symbol, and load index are indicators that may be useful for technical professionals in the field; however, it is unreasonable to expect a typical end user to identify the maximum load and pressure using only the markings of tire size, speed symbol, and load index. It is far more reasonable to expect the vehicle user to overload a tire without the explicit guidance provided by the required sidewall markings. NHTSA believes it is necessary to label the tire to ensure the end user is adequately informed about the maximum capability of the tire. Failing to provide load and pressure information, both in English and Metric units, presents a safety risk because users are deprived the information needed to properly install, use, and service the tire.

NHTSA's Decision: In consideration of the foregoing, NHTSA finds that MNA has not met its burden of persuasion that the subject FMVSS No. 119 noncompliance is inconsequential to motor vehicle safety. Accordingly, NHTSA hereby denies MNA's petition and MNA is consequently obligated to provide notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

Authority: (49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Jeffrey M. Giuseppe,

Acting Associate Administrator, Enforcement.

[FR Doc. 2017–18628 Filed 8–31–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Sanctions Action Pursuant to an Executive Order Issued on September 23, 2001, Titled ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism''

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is removing the name of one individual, whose property and interests in property have been blocked pursuant to an executive order issued on September 23, 2001, titled ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten To Commit, or Support Terrorism,'' from the list of Specially Designated Nationals and Blocked Persons (SDN List).

DATES: OFAC's action described in this notice was taken on August 22, 2017.

FOR FURTHER INFORMATION CONTACT: Associate Director for Global Targeting, tel.: 202/622–2420, Assistant Director for Sanctions Compliance & Evaluation, tel.: 202/622–2490, Assistant Director for Licensing, tel.: 202/622–2480, Office of Foreign Assets Control, or Chief Counsel (Foreign Assets Control), tel.: 202/622–2410, Office of the General Counsel, Department of the Treasury (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available from OFAC's Web site (*www.treas.gov/ofac*).

Notice of OFAC Actions

The following person is removed from the SDN List, effective as of August 22, 2017.

Individual

1. SCHNEIDER, Daniel Martin (a.k.a. SCHNEIDER, Martin Daniel), zum Gruehlingsstollen 1A, Friedrichstahl 66299, Germany; Rosenstrasse 2, Friedrichstahl 66299, Germany; Petrusstrasse 32, Herrensohr Dudweiler, Saarbruecken 66125, Germany; DOB 09 Sep 1985; POB Neunkirchen, Germany; citizen Germany; Passport 2318047793 (Germany); Federal ID Card 2318229333; currently incarcerated at Schwalmstadt, Germany (individual) [SDGT].

Dated: August 22, 2017.

Andrea Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2017–18080 Filed 8–31–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the name of one person that has been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of this person are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for effective date.

FOR FURTHER INFORMATION CONTACT:

OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490;

Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel. 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's Web site (*www.treasury.gov/ofac*).

Notice of OFAC Action

On August 29, 2017, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following person are blocked under the relevant sanctions authority listed below.

Individual

AL–MANSUR, Salim Mustafa Muhammad (a.k.a. MANSUR AL–IFRI, Salim Mustafa Muhammad; a.k.a. MANSUR, Salim; a.k.a. MUSTAFA, Salim Mansur; a.k.a. ''AL–IFRI, Saleem''; a.k.a. ''AL–SHAKLAR, Hajji Salim''), Mersin, Turkey; Istanbul, Turkey; Adana, Turkey; DOB 1959; nationality Iraq; Gender Male (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(c) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism'' (E.O. 13224) for acting for or on behalf of ISLAMIC STATE OF IRAQ AND THE LEVANT, a person determined to be subject to E.O. 13224.

Dated: August 29, 2017.

John E. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2017–18581 Filed 8–31–17; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Women Veterans, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the Advisory Committee on Women Veterans (Committee) will conduct a site visit on September 18–22, 2016, in Muskogee, OK. Sessions are open to the public, except when the Committee is conducting tours of VA facilities, participating in off-site events, and participating in workgroup sessions. Tours of VA facilities are closed, to protect Veterans' privacy and personal information. The site visit will also include a town hall meeting for women Veterans and those who provide services to women Veterans.

The purpose of the Committee is to advise the Secretary of Veterans Affairs regarding the needs of women Veterans with respect to health care, rehabilitation, compensation, outreach, and other programs and activities administered by VA designed to meet such needs. The Committee makes recommendations to the Secretary regarding such programs and activities.

On Monday September 18, the Committee will convene an open session at the Jack C. Montgomery VA Medical Center, 1011 Honor Heights Drive, Muskogee, OK 74401, in Downing Room, Room 2B–54, from 9:00 a.m. to 4:00 p.m. The agenda will include overview briefings from the Jack C. Montgomery VA Medical Center leadership on the facilities, programs, demographics, women Veterans programs, and other services available for Veterans in Muskogee.

On the morning of Tuesday, September 19, the Committee will convene an open session at the Jack C. Montgomery VA Medical Center, 1011 Honor Heights Drive, Muskogee, OK 74401, in Downing Room, Room 2B–54, from 9:00 a.m. to 12:00 p.m. The agenda will include a continuation of briefings from the Jack C. Montgomery VA Medical Center leadership on the facilities, programs, demographics, women Veterans programs, and other services available for Veterans in Muskogee. In the afternoon, from 1:00 p.m. to 4:00 p.m., the Committee will reconvene a closed session, as it tours the Jack C. Montgomery VA Medical Center, 1011 Honor Heights Drive, Muskogee, OK 74401.

On Wednesday, September 20, the Committee will convene closed sessions, as it tours the Fort Gibson National Cemetery (1423 Cemetery Road, Fort Gibson, OK 74434) and the Muskogee Regional Benefit Office (125 South Main Street, Muskogee, OK 74401).

On Thursday, September 21, the Committee will convene a closed session, as it tours the Ernest Childers VA Outpatient Clinic, 9322 E. 41st Street, Tulsa, OK 74145. Additionally, the Committee will convene a closed session, as it tours the Tulsa Vet Center, 14002 E. 21st Street, Tulsa, OK 74134.

On the morning of Friday, September 22, the Committee will convene an open session at the Muskogee Civic Center, 425 Boston St, Muskogee, OK 74401, as it conducts an out-briefing with Jack C. Montgomery VA Medical Center/Muskogee Regional Benefit Office/Fort Gibson National Cemetery leadership, from 8:30 a.m. to 9:30 a.m. The Committee will have an open session, as it conducts a town hall meeting with the women Veterans and other stakeholders. The town hall meeting will begin at 10:00 a.m. and end promptly at noon.

With the exception of the town hall meeting, there will be no time for public comment during the meeting. Members of the public may submit written statements for the Committee's review to *00W@mail.va.gov,* or by fax at (202) 273–7092. Any member of the public wishing to attend or seeking additional information should contact Shannon L. Middleton at (202) 461–6193.

Dated: August 29, 2017.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2017–18573 Filed 8–31–17; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Disposition of Enhanced-Use Leased Property at the U.S. Department of Veterans Affairs (VA)—Brecksville, Ohio, Campus Known as 10000 Brecksville Road, Brecksville, OH 44141

AGENCY: U.S. Department of Veterans Affairs.

ACTION: Notice of intent to dispose of real property during the term of an Enhanced-Use Lease (EUL).

SUMMARY: The Secretary of Veterans Affairs intends to dispose of approximately 102 acres of property at the VA Medical Center in Brecksville, Ohio, which is currently being leased by the City of Brecksville. The Secretary has determined that VA no longer needs such property, and that a transfer to the City of Brecksville of all right, title, and interest of the United States in the property would be in the best interest of VA.

FOR FURTHER INFORMATION CONTACT: Edward L. Bradley III, Office of Asset Enterprise Management (044), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–7778 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject property consists of approximately 102 acres of land and improvements leased under a 75-year enhanced-use lease executed on Oct. 1, 2009, which is currently leased to the City of Brecksville. Section 8164 of title

38, U.S.C., authorizes the Secretary, either during or within 30 days after the end of the lease term, to dispose of enhanced-use leased property to the lessee, if the Secretary determines that the leased property is no longer needed by the Department, and that the disposal under that section, rather than via section 8118 or 8122 of such title, is in the best interests of the Department. The Secretary has made those determinations, and is providing this notice of intent to dispose of the subject leased property as required by section 8164 of title 38, U.S.C.

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 24, 2017, for publication.

Dated: August 24, 2017.

Jeffrey Martin,

Office Program Manager, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2017–18519 Filed 8–31–17; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 82 Friday,
No. 169 September 1, 2017

Part II

Department of Health and Human Services

Centers for Medicare & Medicaid Services

Medicare Program; Recognition of Revised NAIC Model Standards for Regulation of Medicare Supplemental Insurance; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–4177–N]

Medicare Program; Recognition of Revised NAIC Model Standards for Regulation of Medicare Supplemental Insurance

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the changes made by the Medicare Access and CHIP Reauthorization of 2015 (MACRA) to section 1882 of the Social Security Act (the Act), which governs Medicare supplemental insurance. This notice also recognizes that the Model Regulation adopted by the National Association of Insurance Commissioners (NAIC) on August 29, 2016, is considered to be the applicable NAIC Model Regulation for purposes of section 1882 of the Act, subject to our clarifications that are set forth in this notice.

DATES: Amendments made by section 401 of MACRA apply to issuers of Medigap policies for policies issued on or after January 1, 2020.

FOR FURTHER INFORMATION CONTACT: Derrick Claggett, (410) 786–2113.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Medicare Program

The Medicare program was established by Congress in 1965 with the enactment of title XVIII of the Social Security Act (the Act). The program provides payment for certain medical expenses for persons 65 years of age or older, certain disabled individuals, persons with end-stage renal disease (ESRD), and certain individuals exposed to environmental health hazards.

Medicare has three types of benefits. The Hospital Insurance Program (Part A) covers inpatient care. The Supplementary Medical Insurance Program (Part B) covers a wide range of medical services, including physicians' services and outpatient hospital services, as well as equipment and supplies, such as prosthetic devices. The Voluntary Prescription Drug Benefit Program (Part D) covers outpatient prescription drugs not otherwise covered by Part B.

Beneficiaries can get their Part A and Part B benefits in two ways. Under Original Medicare, beneficiaries get their Part A and Part B benefits directly from the Federal government. Beneficiaries can also choose to get their Part A and Part B benefits through private health plans that contract with Medicare. Most of these contracts are under Part C of Medicare, the Medicare Advantage (MA) Program.

While Medicare provides extensive benefits, it is not designed to cover the total cost of medical care for Medicare beneficiaries. Under Original Medicare, even if the items or services are covered by Medicare, most beneficiaries are responsible for various deductibles, coinsurance, and in some cases copayment amounts.

1. Deductibles

Under Original Medicare, a beneficiary with Part A is generally responsible for the Part A inpatient hospital deductible for each benefit period. A benefit period is the period beginning on the first day of hospitalization and extending until the beneficiary has not been an inpatient of a hospital or skilled nursing facility for 60 consecutive days. The inpatient hospital deductible is updated annually in accordance with a statutory formula. The inpatient hospital deductible for calendar year (CY) 2016 was $1,288.00 and for CY 2017 it is $1,316.00.

A beneficiary with Part B is responsible for the Part B deductible for each calendar year. The deductible is indexed to increase with the average cost of Part B services for aged beneficiaries. The Part B deductible for CY 2016 was $166.00 and for CY 2017 it is $183.00.

2. Coinsurance

As previously stated, beneficiaries are generally responsible for paying coinsurance for covered items and services. For example, the coinsurance applicable to physicians' services under Part B is generally 20 percent of the Medicare-approved amount for the service(s). If a physician or certain other suppliers accept assignment, the beneficiary is only responsible for the coinsurance amount. When beneficiaries receive covered services from physicians or other suppliers who do not accept assignment of their Medicare claims, beneficiaries may also be responsible for some amounts in excess of the Medicare approved amount (excess charges).

3. Non-Covered Services

Some items and services are not covered under either Part A or Part B; for example, custodial nursing home care, most dental care, eyeglasses, and items or services furnished outside the United States. Original Medicare covers many health care services and supplies, but beneficiaries are responsible for the out-of-pocket expenses described previously. As such, most beneficiaries choose to obtain some type of additional coverage to pay some of the costs not covered by Original Medicare. For people who do not have coverage from a current or previous employer that performs this function, or who do not qualify for Medicaid, the most common coverage is Medicare supplemental insurance (also called Medigap). Some beneficiaries may also try to defray some expenses with hospital indemnity insurance, nursing home or long-term care insurance, or specified disease (for example, cancer) insurance.

B. Medicare Supplemental Insurance

A Medicare supplemental (Medigap) policy is a health insurance policy sold by private insurance companies specifically to fill ''gaps'' in Original Medicare coverage. A Medigap policy typically provides coverage for some or all of the deductible and coinsurance amounts applicable to Medicare-covered services, and sometimes covers items and services that are not covered by Medicare. Section 1882(d)(3)(A)(i) of the Act specifies that a party may not sell a Medigap policy with knowledge that the policy duplicates health benefits which the applicant is otherwise entitled to, including from Medicaid programs that cover Medicare cost-sharing (for example, the Qualified Medicare Beneficiary Program), MA plans, and individual market plans.

Section 1882 of the Act sets forth requirements and standards that govern the sale of Medigap policies. It incorporates by reference, as part of the statutory requirements, certain minimum standards established by the National Association of Insurance Commissioners (NAIC). These minimum standards, known as the NAIC Model Standards are found in the ''Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Act'' (NAIC Model), initially adopted by the NAIC on June 6, 1979, and revised periodically to reflect subsequent Federal legislative changes. (For additional information, see section 1882(g)(2)(A) of the Act.)

Under section 1882 of the Act, Medigap policies generally may not be sold unless they conform to the standardized benefit packages that have been defined and designated by the NAIC. The 10 original standardized plans were created in accordance with the Omnibus Budget Reconciliation Act of 1990 (OBRA '90), and designated A through J. The Balanced Budget Act of

1997 (BBA) authorized plans F and J to have high deductible options that are counted as separate plans. The Medicare Modernization Act of 2003 (MMA) created new plans K and L, and the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) authorized the creation of new plans M and N. Medigap plans E, H, I, and J are no longer available for sale. Three states (Massachusetts, Minnesota, and Wisconsin) are permitted by statute to have different standardized Medigap plans and are sometimes referred to in this context as the ''waiver'' States. There are also policies issued before the OBRA '90 requirements became applicable in 1992 (pre-standardized policies) that are still in effect.

Effective January 1, 2006, Medigap policies could no longer be sold with a prescription drug benefit. Three of the original standardized Medigap plans, H, I and J, as well as some Medigap policies in the waiver States, may still contain coverage for outpatient prescription drugs if the policies were sold before January 1, 2006. In addition, some pre-standardized plans cover drugs. If a beneficiary holding one of these policies enrolls in Medicare Part D prescription drug coverage, the prescription drug coverage is removed from the individual's Medigap policy.

Section 1882(b)(1) of the Act provides that Medigap policies issued in a State are deemed to meet the Federal requirements if the State's program regulating Medigap policies provides for the application of standards is at least as stringent as those contained in the NAIC Model Regulation, and if the State requirements are equal to or more stringent than those set forth in section 1882 of the Act.

States must amend their regulatory programs to implement all new Federal statutory requirements and applicable changes to the NAIC Model Standards. Thus, States will now be required to implement the statutory changes made by the Medicare Access and CHIP Reauthorization Act of 2015 the (MACRA), and the changes to the NAIC Model Standards made to comport with the requirements of MACRA. The revised NAIC Model is attached to this notice. States generally cannot modify the standardized benefit packages set out in the NAIC Model. However, with respect to other provisions, States retain the authority to enact provisions that are more stringent than those that are incorporated in the NAIC Model Standards or in the Federal statutory requirements. (See section 1882(b)(1)(B) of the Act.) States that have received a waiver under section 1882(p)(6) of the Act may continue to authorize the sale of policies that contain different benefits than the standardized benefit packages. However, those States are also required to amend their regulatory programs to implement the new Federal statutory requirements and changes to the NAIC Model Standards as a result of MACRA. (See section 1882(z)(3) of the Act.)

II. Legislative Changes Affecting Medigap Policies and Clarification

A. Medicare Access and CHIP Reauthorization Act of 2015 (MACRA)

Some standardized Medigap plans currently sold on the market provide first-dollar coverage for beneficiaries, which means the plan pays the Medicare deductibles, coinsurance, and copayments so that the beneficiary has no out-of-pocket costs for Medicare covered services. MACRA was enacted on April 16, 2015 (Pub. L. 114–10), and beginning on January 1, 2020, it prohibits the sale of Medigap plans with first-dollar coverage to an individual who is a ''newly eligible Medicare beneficiary,'' which is further defined in section II.C.1. of this notice. The effect of this provision is that as of this date, a ''newly eligible Medicare beneficiary'' will be required to pay out-of-pocket for the Medicare Part B deductible. The Part B deductible for CY 2016 was $166.00 and for CY 2017 it is $183.00.

B. Changes to the NAIC Model #651 (Model Regulation To Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act) Approved by the NAIC on August 29, 2016

Consistent with the process authorized in section 1882(p)(1) of the Act, the NAIC formulated a task force consisting of State regulators, consumer advocates, industry representatives, and staff from the Centers for Medicare & Medicaid Services (CMS) to draft changes to the Medigap standardized plan structure and the NAIC Model Standards to align with section 401 of MACRA. The draft changes were approved by the NAIC task force on April 4, 2016. The revised NAIC Model (with the approved changes) was adopted by the NAIC on August 29, 2016. The changes apply to Medigap policies or certificates issued on or after January 1, 2020.

The following are the changes, effective January 1, 2020, to the standardized Medigap plans:

- A new Plan G With High Deductible is created, which is identical to the Plan F With High Deductible except there is no coverage for the Part B deductible.
- For a ''newly eligible Medicare beneficiary''—

++ Plan C is redesignated as Plan D, which does not provide coverage for the Part B deductible;

++ Plan F is redesignated as Plan G, which does not provide coverage for the Part B deductible; and

++ Plan F With High Deductible is redesignated as Plan G With High Deductible, which does not provide coverage for the Part B deductible.

As a result of these changes, the revised NAIC Model contains the following three sets of standardized plans:

- Sections 8 and 9 of the NAIC Model outline the benefits for standardized plans with an effective date of coverage prior to June 1, 2010 (the 1990 standardized plans).
- Sections 8.1 and 9.1 of the NAIC Model spell out the benefits for the standardized plans with an effective date for coverage on or after June 1, 2010 (the ''2010 standardized plans'').
- Section 9.2 of the NAIC Model contains the benefits for the standardized plans for an individual who is a ''newly eligible Medicare beneficiary'' with an effective date for coverage on or after January 1, 2020 (the 2020 standardized plans for Newly Eligible Medicare Beneficiaries).

C. Clarifications

1. Definition of Newly Eligible Medicare Beneficiary

Section 401 of MACRA defines a newly eligible Medicare beneficiary'' as an individual who is neither of the following:

- An individual who has attained age 65 before January 1, 2020.
- An individual who was entitled to benefits under Medicare Part A pursuant to section 226(b) or 226A of the Act, or deemed eligible for benefits under 226(a) of the Act, before January 1, 2020.

Section 9.2.B. of the NAIC Model captures this definition. An individual who is not a newly eligible Medicare beneficiary can continue to purchase Medigap policies that provide coverage of the Medicare Part B deductible.

Individuals retroactively entitled to Medicare Part A after January 1, 2020, with an effective date for Medicare coverage before January 1, 2020 would not fall under the definition of a ''newly eligible Medicare beneficiary'' because their Part A benefits would begin before January 1, 2020. In addition, an individual who has attained age 65 before January 1, 2020, but who was not entitled to Medicare Part A until after January 1, 2020, would also not be a ''newly eligible Medicare beneficiary.'' Similarly, environmental exposure

affected individuals deemed eligible for Medicare before January 1, 2020 would not be a ''newly eligible Medicare beneficiary.''

2. Upon Exhaustion Benefit

Section 8.B. of the NAIC Model describes the standards for basic benefits common to the 1990 standardized Plans A through J. Section 8.D.(1) of the NAIC Model describes the standards for benefits common to the 1990 standardized Plans K and L. Section 8.1.B. of the NAIC Model describes the basic benefits common for the 2010 standardized plans A through D, F, F with High Deductible, G, M and N. Section 9.1.E.(8) of the NAIC Model describes the standards for benefits common to the 2010 standardized plans K and L. Section 9.2.A. of the NAIC Model describes the standards for benefits common to the 2020 standardized plans for a ''newly eligible Medicare beneficiary''. Sections 8.B.(3)., 8.D.(1)(c)., 8.1.B.(3)., and 9.1.E.(8)(c). of the NAIC Model describe what is commonly referred to as the ''upon exhaustion'' benefit. Medicare provides inpatient hospital benefits for up to 90 days in a benefit period, plus any of the 60 lifetime reserve days that have not already been used. After a beneficiary exhausts this coverage, including the lifetime reserve days, all Medigap policies cover 100 percent of Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of 365 days.

We note that the last sentence of sections 8.B.(3)., 8.D.(1)(c)., 8.1.B.(3)., and 9.1.E.(8)(c). of the NAIC Model is not part of the benefit description of the ''upon exhaustion'' benefit. Therefore, a State's failure to include this language in its regulatory program does not affect the State's compliance with Federal Medigap standards and requirements. Similarly, section 17.D.(4). of the NAIC Model sets forth the outlines of coverage for Plans A through D, F or High Deductible F, G or High Deductible G, K through N. Each outline contains, at the bottom of the chart on Part A benefits, a ''NOTICE'' to prospective purchasers about the ''upon exhaustion'' benefit. The final sentence of this notice is also not part of the benefit description, and therefore, a State's failure to include this language in the outlines of coverage does not affect the State's compliance with Federal Medigap standards and requirements.

3. Guaranteed Issue Opportunities

Consistent with the December 4, 1998 (63 FR 67078) **Federal Register** notice published in recognizing the BBA changes to the NAIC Model, we reiterate that, in contrast to both the general open enrollment provision of section 1882(s)(2)(A) of the Act and the guaranteed issue provision in section 1882(s)(3)(B)(vi) of the Act, which specifically state that the protected individual must be at least at age 65, the guaranteed issue provisions in section 1882(s)(3)(B)(i) through (v) of the Act do not contain an age restriction. Therefore, the latter provisions apply by their terms both to individuals eligible for Medicare based on age, and those whose eligibility is based on disability, end stage renal disease (ESRD) or exposure to an environmental hazard. All individuals who meet the criteria set forth in section 1882(s)(3)(B)(i) through (v) of the Act qualify for the Federal guaranteed issue protections. (In some situations policies may not be available to beneficiaries under 65. In other situations, a policy designated B, C, or F may not be available in a particular State.) Furthermore, we note that in some states, individuals under age 65 with Medicare have additional rights under State law to purchase Medigap coverage on a guaranteed issue basis.

Section 1882(z)(4) of the Act, as added by section 401 of MACRA, generally provides that for a ''newly eligible Medicare beneficiary'' any reference in section 1882 of the Act to Plans C and F shall be deemed, as of January 1, 2020, to be a reference to Plans D and G, respectively. As a result, the references to Plans C and F as plans that must be offered by issuers on a guaranteed issue basis under section 1882(o)(5), (s)(3)(C)(i), and (v)(3)(A)(i) of the Act are replaced with references to Plans D and G, respectively, for a ''newly eligible Medicare beneficiary.'' Further, State laws that currently provide additional guaranteed issue rights for Plans C and F may need to be changed for coverage with an effective date on or after January 1, 2020, to align with MACRA prohibition on the sale of first-dollar Medigap coverage to a ''newly eligible Medicare beneficiary.''

4. Definition of Medicare-Eligible Expenses

Payment of Medigap benefits is, in many cases, based on whether a service is one that is generally covered by Medicare. The NAIC Model accordingly contains a definition of ''Medicare eligible expenses.'' This definition provides that ''Medicare eligible expenses'' means only those expenses of the kinds covered by Medicare Parts A and B, to the extent recognized as reasonable and necessary by Medicare. As outlined in the March 25, 2005 **Federal Register** (70 FR 15394), this definition clarifies that a Medigap policy does not pay cost-sharing for expenses under Medicare Part D and also clearly states the position of the NAIC and CMS that Medigap policies do not pay cost sharing incurred under Part C.

5. New Standardized Plan G With High Deductible

Consistent with section 1882(z)(4) of the Act, section 9.2A.(4) of the revised NAIC Model redesignates Plan F With High Deductible as a new Plan G With High Deductible for an individual who is a ''newly eligible Medicare beneficiary,'' as defined by section 401 of MACRA. As a result, the references to Plan F With High Deductible under section 1882(p)(11)(A)(i) of the Act is replaced with a reference to Plan G With High Deductible for a ''newly eligible Medicare beneficiary.'' Plan G With High Deductible does not provide coverage for any portion of the Part B deductible and will be available beginning on January 1, 2020.

Section 9.1.E.(7). of the NAIC Model provides that states may permit the sale of Plan ''G'' With High Deductible to an individual who is not a ''newly eligible Medicare beneficiary.'' While states are permitted to provide additional rights and protections beyond the Federal minimum standards, we note that this option and the last sentence of section 9.1.E.(7). of the NAIC are not part of the Federal standards. Therefore, a state's failure to include this language in its regulatory program does not affect the state's compliance with Federal Medigap standards and requirements.

III. Standardized Benefit Packages

The following tables list the standardized Medigap benefit packages (by standardized plan year and effective date of coverage), with a cross-reference to the sections of the attached NAIC Model where the packages are described in detail. The revised NAIC Model, adopted by the NAIC on August 29, 2016, is reprinted at the end of this notice. The NAIC has granted permission for the NAIC Model to be published and reproduced. Under 1 CFR 2.6, there is no restriction on the republication of material as it appears in the **Federal Register**.

TABLE 1—1990 STANDARDIZED PLANS WITH AN EFFECTIVE DATE OF COVERAGE PRIOR TO JUNE 1, 2010

Plan	NAIC model section number
Plan A (Core Benefit Plan).	Section 9.E.(1).
Plan B	Section 9.E.(2).
Plan C	Section 9.E.(3).
Plan D	Section 9.E.(4).
Plan E	Section 9.E.(5).
Plan F	Section 9.E.(6).
Plan F High Deductible	Section 9.E.(7).
Plan G	Section 9.E.(8).
Plan H	Section 9.E.(9).
Plan I	Section 9.E.(10).
Plan J	Section 9.E.(11).
Plan J High Deductible	Section 9.E.(12).
Plan K	Section 9.F.(1).
Plan L	Section 9.F.(2).

TABLE 2—2010 STANDARDIZED PLANS WITH AN EFFECTIVE DATE OF COVERAGE ON OR AFTER JUNE 1, 2010 BUT PRIOR TO JANUARY 1, 2020:

Plan	NAIC model section number
Plan A (Core Benefit Plan).	Section 9.1.E.(1).
Plan B	Section 9.1.E.(2).
Plan C	Section 9.1.E.(3).
Plan D	Section 9.1.E.(4).
Plan F	Section 9.1.E.(5).
Plan F High Deductible	Section 9.1.E.(6).
Plan G	Section 9.1.E.(7).
Plan K	Section 9.1.E.(8).
Plan L	Section 9.1.E.(9).
Plan M	Section 9.1.E.(10).
Plan N	Section 9.1.E.(11).

TABLE 3—2020 STANDARDIZED PLANS WITH AN EFFECTIVE DATE OF COVERAGE ON OR AFTER JANUARY 1, 2020 FOR A ''NEWLY ELIGIBLE MEDICARE BENEFICIARY,'' AS DEFINED BY SECTION 401 OF MACRA

Plan	NAIC model section number
Plan A (Core Benefit Plan).	Section 9.1.E.(1).
Plan B	Section 9.1.E.(2).
Plan D	Section 9.1.E.(4).
Plan G	Section 9.1.E.(7).
Plan G High Deductible	Section 9.1.E.(7).
Plan K	Section 9.1.E.(8).
Plan L	Section 9.1.E.(9).
Plan M	Section 9.1.E.(10).
Plan N	Section 9.1.E.(11).

TABLE 4—2020 STANDARDIZED PLANS WITH AN EFFECTIVE DATE OF COVERAGE ON OR AFTER JANUARY 1, 2020 FOR AN INDIVIDUAL WHO IS NOT A ''NEWLY ELIGIBLE MEDICARE BENEFICIARY,'' AS DEFINED BY SECTION 401 OF MACRA

Plan	NAIC model section number
Plan A (Core Benefit Plan).	Section 9.1.E.(1).
Plan B	Section 9.1.E.(2).
Plan C	Section 9.1.E.(3).
Plan C	Section 9.1.E.(4).
Plan F	Section 9.1.E.(5).
Plan F High Deductible	Section 9.1.E.(6).
Plan G	Section 9.1.E.(7).
Plan G High Deductible	Section 9.1.E.(7).[1]
Plan K	Section 9.1.E.(8).

TABLE 4—2020 STANDARDIZED PLANS WITH AN EFFECTIVE DATE OF COVERAGE ON OR AFTER JANUARY 1, 2020 FOR AN INDIVIDUAL WHO IS NOT A ''NEWLY ELIGIBLE MEDICARE BENEFICIARY,'' AS DEFINED BY SECTION 401 OF MACRA—Continued

Plan	NAIC model section number
Plan L	Section 9.1.E.(9).
Plan M	Section 9.1.E.(10).
Plan N	Section 9.1.E.(11).

[1] Consistent with the last sentence of section 9.1.E.(7) of the NAIC Model, states may permit the sale of Plan G With High Deductible to an individual who is not a ''*newly eligible Medicare beneficiary*.'' However, a State's failure to adopt this sentence and provide this option does not affect the State's compliance with Federal Medigap standards and requirements.

IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, 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.*).

Dated: August 24, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

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CMS- 4177-N

ADDENDUM: MODEL REGULATION TO IMPLEMENT THE NAIC MEDICARE SUPPLEMENTAL INSURANCE MINIMUM STANDARDS MODEL ACT (As Adopted by NAIC on August 29, 2016)

MODEL REGULATION TO IMPLEMENT THE NAIC MEDICARE SUPPLEMENTINSURANCE MINIMUM STANDARDS MODEL ACT

Table of Contents

Section 1.	Purpose
Section 2.	Authority
Section 3.	Applicability and Scope
Section 4.	Definitions
Section 5.	Policy Definitions and Terms
Section 6.	Policy Provisions
Section 7.	Minimum Benefit Standards for Pre-Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery Prior to [insert effective date adopted by state]
Section 8.	Benefit Standards for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery After [insert effective date adopted by state] and Prior to June 1, 2010
Section 8.1	Benefit Standards for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery on or After June 1, 2010
Section 9.	Standard Medicare Supplement Benefit Plans for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery After [insert effective date adopted by state] and Prior to June 1, 2010
Section 9.1	Standard Medicare Supplement Benefit Plans for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery on or After June 1, 2010
Section 9.2	Standard Medicare Supplement Benefit Plans for 2020 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery on or After January 1, 2020
Section 10.	Medicare Select Policies and Certificates
Section 11.	Open Enrollment
Section 12.	Guaranteed Issue for Eligible Persons
Section 13.	Standards for Claims Payment
Section 14.	Loss Ratio Standards and Refund or Credit of Premium
Section 15.	Filing and Approval of Policies and Certificates and Premium Rates
Section 16.	Permitted Compensation Arrangements
Section 17.	Required Disclosure Provisions
Section 18.	Requirements for Application Forms and Replacement Coverage
Section 19.	Filing Requirements for Advertising
Section 20.	Standards for Marketing
Section 21.	Appropriateness of Recommended Purchase and Excessive Insurance
Section 22.	Reporting of Multiple Policies
Section 23.	Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates
Section 24.	Prohibition Against Use of Genetic Information and Requests for Genetic Testing
Section 25.	Separability
Section 26.	Effective Date
Appendix A	Reporting Form for Calculation of Loss Ratios
Appendix B	Form for Reporting Duplicate Policies
Appendix C	Disclosure Statements

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Model Regulation to Implement the NAIC Medicare Supplement
Insurance Minimum Standards Model Act

Section 1. Purpose

The purpose of this regulation is to provide for the reasonable standardization of coverage and simplification of terms and benefits of Medicare supplement policies; to facilitate public understanding and comparison of such policies; to eliminate provisions contained in such policies which may be misleading or confusing in connection with the purchase of such policies or with the settlement of claims; and to provide for full disclosures in the sale of accident and sickness insurance coverages to persons eligible for Medicare.

Section 2. Authority

This regulation is issued pursuant to the authority vested in the commissioner under [cite appropriate section of state law providing authority for minimum benefit standards regulations or the NAIC Medicare Supplement Insurance Minimum Standards Model Act].

Editor's Note: Wherever the term "commissioner" appears, the title of the chief insurance regulatory official of the state should be inserted.

Section 3. Applicability and Scope

A. Except as otherwise specifically provided in Sections 7, 13, 14, 17 and 22, this regulation shall apply to:

(1) All Medicare supplement policies delivered or issued for delivery in this state on or after the effective date of this regulation; and

(2) All certificates issued under group Medicare supplement policies, which certificates have been delivered or issued for delivery in this state.

B. This regulation shall not apply to a policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.

Section 4. Definitions

For purposes of this regulation:

A. "Applicant" means:

(1) In the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits, and

(2) In the case of a group Medicare supplement policy, the proposed certificate holder.

B. "Bankruptcy" means when a Medicare Advantage organization that is not an issuer has filed, or has had filed against it, a petition for declaration of bankruptcy and has ceased doing business in the state.

C. "Certificate" means any certificate delivered or issued for delivery in this state under a group Medicare supplement policy.

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D. "Certificate form" means the form on which the certificate is delivered or issued for delivery by the issuer.

E. "Continuous period of creditable coverage" means the period during which an individual was covered by creditable coverage, if during the period of the coverage the individual had no breaks in coverage greater than sixty-three (63) days.

F. (1) "Creditable coverage" means, with respect to an individual, coverage of the individual provided under any of the following:

(a) A group health plan;

(b) Health insurance coverage;

(c) Part A or Part B of Title XVIII of the Social Security Act (Medicare);

(d) Title XIX of the Social Security Act (Medicaid), other than coverage consisting solely of benefits under Section 1928;

(e) Chapter 55 of Title 10 United States Code (CHAMPUS);

(f) A medical care program of the Indian Health Service or of a tribal organization;

(g) A state health benefits risk pool;

(h) A health plan offered under chapter 89 of Title 5 United States Code (Federal Employees Health Benefits Program);

(i) A public health plan as defined in federal regulation; and

(j) A health benefit plan under Section 5(e) of the Peace Corps Act (22 United States Code 2504(e)).

(2) "Creditable coverage" shall not include one or more, or any combination of, the following:

(a) Coverage only for accident or disability income insurance, or any combination thereof;

(b) Coverage issued as a supplement to liability insurance;

(c) Liability insurance, including general liability insurance and automobile liability insurance;

(d) Workers' compensation or similar insurance;

(e) Automobile medical payment insurance;

(f) Credit-only insurance;

(g) Coverage for on-site medical clinics; and

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(h) Other similar insurance coverage, specified in federal regulations, under which benefits for medical care are secondary or incidental to other insurance benefits.

(3) "Creditable coverage" shall not include the following benefits if they are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of the plan:

(a) Limited scope dental or vision benefits;

(b) Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and

(c) Such other similar, limited benefits as are specified in federal regulations.

(4) "Creditable coverage" shall not include the following benefits if offered as independent, non-coordinated benefits:

(a) Coverage only for a specified disease or illness; and

(b) Hospital indemnity or other fixed indemnity insurance.

(5) "Creditable coverage" shall not include the following if it is offered as a separate policy, certificate or contract of insurance:

(a) Medicare supplemental health insurance as defined under Section 1882(g)(1) of the Social Security Act;

(b) Coverage supplemental to the coverage provided under chapter 55 of title 10, United States Code; and

(c) Similar supplemental coverage provided to coverage under a group health plan.

Drafting Note: The Health Insurance Portability and Accountability Act of 1996 (HIPAA) specifically addresses separate, non-coordinated benefits in the group market at PHSA Section 2721(d)(2) and the individual market at Section 2791(c)(3). HIPAA also references excepted benefits at PHSA Sections 2701(c)(1), 2721(d), 2763(b) and 2791(c). In addition, creditable coverage has been addressed in an interim final rule (62 Fed. Reg. at 16960-16962 (April 8, 1997)) issued by the Secretary pursuant to HIPAA, and may be addressed in subsequent regulations.

G. "Employee welfare benefit plan" means a plan, fund or program of employee benefits as defined in 29 U.S.C. Section 1002 (Employee Retirement Income Security Act).

H. "Insolvency" means when an issuer, licensed to transact the business of insurance in this state, has had a final order of liquidation entered against it with a finding of insolvency by a court of competent jurisdiction in the issuer's state of domicile.

Drafting Note: If the state law definition of insolvency differs from the above definition, please insert the state law definition.

I. "Issuer" includes insurance companies, fraternal benefit societies, health care service plans, health maintenance organizations, and any other entity delivering or issuing for delivery in this state Medicare supplement policies or certificates.

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J. "Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended.

K. "Medicare Advantage plan" means a plan of coverage for health benefits under Medicare Part C as defined in [refer to definition of Medicare Advantage plan in 42 U.S.C. 1395w-28(b)(1)], and includes:

(1) Coordinated care plans that provide health care services, including but not limited to health maintenance organization plans (with or without a point-of-service option), plans offered by provider-sponsored organizations, and preferred provider organization plans;

(2) Medical savings account plans coupled with a contribution into a Medicare Advantage plan medical savings account; and

(3) Medicare Advantage private fee-for-service plans.

Drafting Note: The Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) redesignates "Medicare + Choice" as "Medicare Advantage" effective January 1, 2004.

L. "Medicare supplement policy" means a group or individual policy of [accident and sickness] insurance or a subscriber contract [of hospital and medical service associations or health maintenance organizations], other than a policy issued pursuant to a contract under Section 1876 of the federal Social Security Act (42 U.S.C. Section 1395 et. seq.) or an issued policy under a demonstration project specified in 42 U.S.C. Section 1395ss(g)(1), which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare. "Medicare supplement policy" does not include Medicare Advantage plans established under Medicare Part C, Outpatient Prescription Drug plans established under Medicare Part D, or any Health Care Prepayment Plan (HCPP) that provides benefits pursuant to an agreement under Section 1833(a)(1)(A) of the Social Security Act.

Drafting Note: Under Section 104(c) of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA), policies that are advertised, marketed or designed primarily to cover out-of-pocket costs under Medicare Advantage Plans (established under Medicare Part C) must comply with the Medicare supplement requirements of Section 1882(o) of the Social Security Act.

M. "Pre-Standardized Medicare supplement benefit plan," "Pre-Standardized benefit plan" or "Pre-Standardized plan" means a group or individual policy of Medicare supplement insurance issued prior to [insert effective date on which the state made its revisions to conform to the Omnibus Budget Reconciliation Act of 1990].

N. "1990 Standardized Medicare supplement benefit plan," "1990 Standardized benefit plan" or "1990 plan" means a group or individual policy of Medicare supplement insurance issued on or after [insert effective date of 1990 plan] and prior to June 1, 2010, and includes Medicare supplement insurance policies and certificates renewed on or after that date which are not replaced by the issuer at the request of the insured.

O. "2010 Standardized Medicare supplement benefit plan," "2010 Standardized benefit plan" or "2010 plan" means a group or individual policy of Medicare supplement insurance issued on or after June 1, 2010.

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P. "Policy form" means the form on which the policy is delivered or issued for delivery by the issuer.

Q. "Secretary" means the Secretary of the United States Department of Health and Human Services.

Section 5. Policy Definitions and Terms

No policy or certificate may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy or certificate unless the policy or certificate contains definitions or terms that conform to the requirements of this section.

A. "Accident," "accidental injury," or "accidental means" shall be defined to employ "result" language and shall not include words that establish an accidental means test or use words such as "external, violent, visible wounds" or similar words of description or characterization.

(1) The definition shall not be more restrictive than the following: "Injury or injuries for which benefits are provided means accidental bodily injury sustained by the insured person which is the direct result of an accident, independent of disease or bodily infirmity or any other cause, and occurs while insurance coverage is in force."

(2) The definition may provide that injuries shall not include injuries for which benefits are provided or available under any workers' compensation, employer's liability or similar law, or motor vehicle no-fault plan, unless prohibited by law.

B. "Benefit period" or "Medicare benefit period" shall not be defined more restrictively than as defined in the Medicare program.

C. "Convalescent nursing home," "extended care facility," or "skilled nursing facility" shall not be defined more restrictively than as defined in the Medicare program.

D. "Health care expenses" means, for purposes of Section 14, expenses of health maintenance organizations associated with the delivery of health care services, which expenses are analogous to incurred losses of insurers.

E. "Hospital" may be defined in relation to its status, facilities and available services or to reflect its accreditation by the Joint Commission on Accreditation of Hospitals, but not more restrictively than as defined in the Medicare program.

F. "Medicare" shall be defined in the policy and certificate. Medicare may be substantially defined as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as Then Constituted or Later Amended," or "Title I, Part I of Public Law 89-97, as Enacted by the Eighty-Ninth Congress of the United States of America and popularly known as the Health Insurance for the Aged Act, as then constituted and any later amendments or substitutes thereof," or words of similar import.

G. "Medicare eligible expenses" shall mean expenses of the kinds covered by Medicare Parts A and B, to the extent recognized as reasonable and medically necessary by Medicare.

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H. "Physician" shall not be defined more restrictively than as defined in the Medicare program.

I. "Sickness" shall not be defined to be more restrictive than the following: "Sickness means illness or disease of an insured person which first manifests itself after the effective date of insurance and while the insurance is in force." The definition may be further modified to exclude sicknesses or diseases for which benefits are provided under any workers' compensation, occupational disease, employer's liability or similar law.

Section 6. Policy Provisions

A. Except for permitted preexisting condition clauses as described in Section 7A(1), Section 8A(1), and Section 8.1A(1) of this regulation, no policy or certificate may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy if the policy or certificate contains limitations or exclusions on coverage that are more restrictive than those of Medicare.

B. No Medicare supplement policy or certificate may use waivers to exclude, limit or reduce coverage or benefits for specifically named or described preexisting diseases or physical conditions.

C. No Medicare supplement policy or certificate in force in the state shall contain benefits that duplicate benefits provided by Medicare.

D. (1) Subject to Sections 7A(4), (5) and (7), and 8A(4) and (5) of this regulation, a Medicare supplement policy with benefits for outpatient prescription drugs in existence prior to January 1, 2006, shall be renewed for current policyholders who do not enroll in Part D at the option of the policyholder.

(2) A Medicare supplement policy with benefits for outpatient prescription drugs shall not be issued after December 31, 2005.

(3) After December 31, 2005, a Medicare supplement policy with benefits for outpatient prescription drugs may not be renewed after the policyholder enrolls in Medicare Part D unless:

(a) The policy is modified to eliminate outpatient prescription coverage for expenses of outpatient prescription drugs incurred after the effective date of the individual's coverage under a Part D plan; and

(b) Premiums are adjusted to reflect the elimination of outpatient prescription drug coverage at the time of Medicare Part D enrollment, accounting for any claims paid, if applicable.

Drafting Note: After December 31, 2005, MMA prohibits issuers of Medicare supplement policies from renewing outpatient prescription drug benefits for both pre-standardized and standardized Medicare supplement policyholders who enroll in Medicare Part D. Before May 15, 2006, these beneficiaries have two options: retain their current plan with outpatient prescription drug coverage removed and premiums adjusted appropriately; or enroll in a different policy as guaranteed for beneficiaries affected by these changes mandated by MMA and outlined in Section 12, "Guaranteed Issue for Eligible Persons." After May 15, 2006, however, these beneficiaries will only retain a right to keep their original policies, stripped of outpatient prescription drug coverage, and lose the right to guaranteed issue of the plans described in Section 12.

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Section 7. Minimum Benefit Standards for Pre-Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery Prior to [insert effective date adopted by state]

No policy or certificate may be advertised, solicited or issued for delivery in this state as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

Drafting Note: This section has been retained for transitional purposes. The purpose of this section is to govern all policies issued prior to the date a state makes its revisions to conform to the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508).

A. General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

(1) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because it involved a preexisting condition. The policy or certificate shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.

Drafting Note: States that have adopted the NAIC Individual Accident and Sickness Insurance Minimum Standards Model Act should recognize a conflict between Section 6E of that Act and this subsection. It may be necessary to include additional language in the Minimum Standards Model Act that recognizes the applicability of this preexisting condition rule to Medicare supplement policies and certificates.

(2) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(3) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible, co-payment, or coinsurance amounts. Premiums may be modified to correspond with such changes.

Drafting Note: This provision was prepared so that premium changes can be made based upon the changes in policy benefits that will be necessary because of changes in Medicare benefits. States may wish to redraft this provision so as to coincide with their particular authority.

(4) A "non-cancellable," "guaranteed renewable," or "non-cancellable and guaranteed renewable" Medicare supplement policy shall not:

(a) Provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium; or

(b) Be cancelled or non-renewed by the issuer solely on the grounds of deterioration of health.

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(5) (a) Except as authorized by the commissioner of this state, an issuer shall neither cancel nor non-renew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

(b) If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in Paragraph (5)(d), the issuer shall offer certificate holders an individual Medicare supplement policy. The issuer shall offer the certificate holder at least the following choices:

(i) An individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare supplement policy; and

(ii) An individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards as defined in Section 8.1B of this regulation.

Drafting Note: Group contracts in force prior to the effective date of the Omnibus Budget Reconciliation Act (OBRA) of 1990 may have existing contractual obligations to continue benefits contained in the group contract. This section is not intended to impair such obligations.

(c) If membership in a group is terminated, the issuer shall:

(i) Offer the certificate holder the conversion opportunities described in Subparagraph (b); or

(ii) At the option of the group policyholder, offer the certificate holder continuation of coverage under the group policy.

(d) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

Drafting Note: Rate increases otherwise authorized by law are not prohibited by this Paragraph (5).

(6) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or to payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(7) If a Medicare supplement policy eliminates an outpatient prescription drug benefit as a result of requirements imposed by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, the modified policy shall be deemed to satisfy the guaranteed renewal requirements of this subsection.

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B. Minimum Benefit Standards.

(1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(2) Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;

(3) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

(4) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety percent (90%) of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

(5) Coverage under Medicare Part A for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B;

(6) Coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the co-payment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible [$147];

(7) Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

Section 8. Benefit Standards for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued or Delivered on or After [insert effective date adopted by state] and Prior to June 1, 2010

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state on or after [insert effective date] and prior to June 1, 2010. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards.

Drafting Note: This Section has been retained for transitional purposes. The purpose of this section is to govern policies issued subsequent to the adoption of 1990 Standardized benefit plans and prior to June 1, 2010. Standards for 2010 Standardized benefit plans issued for effective dates on or after June 1, 2010, are included in Section 8.1 of this regulation.

A. General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

(1) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because it involved a preexisting condition. The policy or certificate

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may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.

Drafting Note: States that have adopted the NAIC Individual Accident and Sickness Insurance Minimum Standards Model Act should recognize a conflict between Section 6B of that Act and this subsection. It may be necessary to include additional language in the Minimum Standards Model Act that recognizes the applicability of this preexisting condition rule to Medicare supplement policies and certificates.

(2) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(3) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible, co-payment, or coinsurance amounts. Premiums may be modified to correspond with such changes.

Drafting Note: This provision was prepared so that premium changes can be made based on the changes in policy benefits that will be necessary because of changes in Medicare benefits. States may wish to redraft this provision to conform to their particular authority.

(4) No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

(5) Each Medicare supplement policy shall be guaranteed renewable.

(a) The issuer shall not cancel or non-renew the policy solely on the ground of health status of the individual.

(b) The issuer shall not cancel or non-renew the policy for any reason other than nonpayment of premium or material misrepresentation.

(c) If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under Section 8A(5)(e), the issuer shall offer certificate holders an individual Medicare supplement policy which (at the option of the certificate holder)

(i) Provides for continuation of the benefits contained in the group policy, or

(ii) Provides for benefits that otherwise meet the requirements of this subsection.

(d) If an individual is a certificate holder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall

(i) Offer the certificate holder the conversion opportunity described in Section 8A(5)(c), or

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(ii) At the option of the group policyholder, offer the certificate holder continuation of coverage under the group policy.

(e) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

(f) If a Medicare supplement policy eliminates an outpatient prescription drug benefit as a result of requirements imposed by the Medicare Prescription Drug, Improvement and Modernization Act of 2003, the modified policy shall be deemed to satisfy the guaranteed renewal requirements of this paragraph.

Drafting Note: Rate increases otherwise authorized by law are not prohibited by this Paragraph (5).

(6) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(7) (a) A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificate holder for the period (not to exceed twenty-four (24) months) in which the policyholder or certificate holder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificate holder notifies the issuer of the policy or certificate within ninety (90) days after the date the individual becomes entitled to assistance.

(b) If suspension occurs and if the policyholder or certificate holder loses entitlement to medical assistance, the policy or certificate shall be automatically reinstituted (effective as of the date of termination of entitlement) as of the termination of entitlement if the policyholder or certificate holder provides notice of loss of entitlement within ninety (90) days after the date of loss and pays the premium attributable to the period, effective as of the date of termination of entitlement.

(c) Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended (for any period that may be provided by federal regulation) at the request of the policyholder if the policyholder is entitled to benefits under Section 226 (b) of the Social Security Act and is covered under a group health plan (as defined in Section 1862 (b)(1)(A)(v) of the Social Security Act). If suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, the policy shall be

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automatically reinstituted (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within ninety (90) days after the date of the loss.

Drafting Note: The Ticket to Work and Work Incentives Improvement Act failed to provide for payment of the policy premiums in order to reinstitute coverage retroactively. States should consider adding the following language at the end of the last sentence in Subparagraph (c): "and pays the premium attributable to the period, effective as of the date of termination of enrollment in the group health plan." This addition will clarify that issuers are entitled to collect the premium in this situation, as they are under Subparagraph (b). Also, the Ticket to Work and Work Incentives Improvement Act of 1999 does not specify the period of time that a policy may be suspended under Section 8A(7)(c). In the event that the Centers for Medicare & Medicaid Services (CMS) provides states with guidance on this issue, the phrase "for any period that may be provided by federal law" has been inserted into this provision in parentheses so that any time period prescribed is incorporated by reference.

(d) Reinstitution of coverages as described in Subparagraphs (b) and (c):

(i) Shall not provide for any waiting period with respect to treatment of preexisting conditions;

(ii) Shall provide for resumption of coverage that is substantially equivalent to coverage in effect before the date of suspension. If the suspended Medicare supplement policy provided coverage for outpatient prescription drugs, reinstitution of the policy for Medicare Part D enrollees shall be without coverage for outpatient prescription drugs and shall otherwise provide substantially equivalent coverage to the coverage in effect before the date of suspension; and

(iii) Shall provide for classification of premiums on terms at least as favorable to the policyholder or certificate holder as the premium classification terms that would have applied to the policyholder or certificate holder had the coverage not been suspended.

(8) If an issuer makes a written offer to the Medicare Supplement policyholders or certificate holders of one or more of its plans, to exchange during a specified period from his or her [1990 Standardized plan] (as described in Section 9 of this regulation) to a [2010 Standardized plan] (as described in Section 9.1 of this regulation), the offer and subsequent exchange shall comply with the following requirements:

(a) An issuer need not provide justification to the [commissioner] if the insured replaces a [1990 Standardized] policy or certificate with an issue age rated [2010 Standardized] policy or certificate at the insured's original issue age [and duration]. If an insured's policy or certificate to be replaced is priced on an issue age rate schedule at the time of such offer, the rate charged to the insured for the new exchanged policy shall recognize the policy reserve buildup, due to the pre-funding inherent in the use of an issue age rate basis, for the benefit of the insured. The method proposed to be used by an issuer must be filed with the commissioner [····· according to the state's rate filing procedure ·····].

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(b) The rating class of the new policy or certificate shall be the class closest to the insured's class of the replaced coverage.

(c) An issuer may not apply new pre-existing condition limitations or a new incontestability period to the new policy for those benefits contained in the exchanged [1990 Standardized] policy or certificate of the insured, but may apply pre-existing condition limitations of no more than six (6) months to any added benefits contained in the new [2010 Standardized] policy or certificate not contained in the exchanged policy.

(d) The new policy or certificate shall be offered to all policyholders or certificate holders within a given plan, except where the offer or issue would be in violation of state or federal law.

Drafting Note: The options an issuer may offer its policyholders or certificate holders may be (a) to only selected existing Plans or (b) to only certain new Plans for a particular existing Plan. For example, an exchange of a new Plan F for an old Plan F is an acceptable option. An offer to only policyholders with existing Plans with no reduction in benefits is also acceptable.

B. Standards for Basic (Core) Benefits Common to Benefit Plans A to J. Every issuer shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic core package, but not in lieu of it.

(1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(2) Coverage of Part A Medicare eligible expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used;

(3) Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of one hundred percent (100%) of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance;

Drafting Note: The issuer is required to pay whatever amount Medicare would have paid as if Medicare was covering the hospitalization. The "or other appropriate Medicare standard of payment" provision means the manner in which Medicare would have paid. The issuer stands in the place of Medicare, and so the provider must accept the issuer's payment as payment in full. The Outline of Coverage specifies that the beneficiary will pay "$0," and the provider cannot balance bill the insured.

(4) Coverage under Medicare Parts A and B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations;

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(5) Coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the co-payment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.

Drafting Note: In all cases involving hospital outpatient department services paid under a prospective payment system, the issuer is required to pay the co-payment amount established by CMS, which will be either the amount established for the Ambulatory Payment Classification (APC) group, or a provider-elected reduced co-payment amount.

C. Standards for Additional Benefits. The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" through "J" only as provided by Section 9 of this regulation.

(1) Medicare Part A Deductible: Coverage for all of the Medicare Part A inpatient hospital deductible amount per benefit period.

(2) Skilled Nursing Facility Care: Coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A.

(3) Medicare Part B Deductible: Coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.

(4) Eighty Percent (80%) of the Medicare Part B Excess Charges: Coverage for eighty percent (80%) of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

(5) One Hundred Percent (100%) of the Medicare Part B Excess Charges: Coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

(6) Basic Outpatient Prescription Drug Benefit: Coverage for fifty percent (50%) of outpatient prescription drug charges, after a $250 calendar year deductible, to a maximum of $1,250 in benefits received by the insured per calendar year, to the extent not covered by Medicare. The outpatient prescription drug benefit may be included for sale or issuance in a Medicare supplement policy until January 1, 2006.

(7) Extended Outpatient Prescription Drug Benefit: Coverage for fifty percent (50%) of outpatient prescription drug charges, after a $250 calendar year deductible to a maximum of $3,000 in benefits received by the insured per calendar year, to the extent not covered by Medicare. The outpatient prescription drug benefit may be included for sale or issuance in a Medicare supplement policy until January 1, 2006.

(8) Medically Necessary Emergency Care in a Foreign Country: Coverage to the extent not covered by Medicare for eighty percent (80%) of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first sixty (60) consecutive days of each trip outside the

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United States, subject to a calendar year deductible of $250, and a lifetime maximum benefit of $50,000. For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or an illness of sudden and unexpected onset.

(9) (a) Preventive Medical Care Benefit: Coverage for the following preventive health services not covered by Medicare:

(i) An annual clinical preventive medical history and physical examination that may include tests and services from Subparagraph (b) and patient education to address preventive health care measures;

(ii) Preventive screening tests or preventive services, the selection and frequency of which is determined to be medically appropriate by the attending physician.

(b) Reimbursement shall be for the actual charges up to one hundred percent (100%) of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology (AMA CPT) codes, to a maximum of $120 annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.

(10) At-Home Recovery Benefit: Coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury or surgery.

(a) For purposes of this benefit, the following definitions shall apply:

(i) "Activities of daily living" include, but are not limited to bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings.

(ii) "Care provider" means a duly qualified or licensed home health aide or homemaker, personal care aide or nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry.

(iii) "Home" shall mean any place used by the insured as a place of residence, provided that the place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence.

(iv) "At-home recovery visit" means the period of a visit required to provide at home recovery care, without limit on the duration of the visit, except each consecutive four (4) hours in a twenty-four-hour period of services provided by a care provider is one visit.

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(b) Coverage Requirements and Limitations.

(i) At-home recovery services provided must be primarily services which assist in activities of daily living.

(ii) The insured's attending physician must certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare.

(iii) Coverage is limited to:

(I) No more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment;

(II) The actual charges for each visit up to a maximum reimbursement of $40 per visit;

(III) $1,600 per calendar year;

(IV) Seven (7) visits in any one week;

(V) Care furnished on a visiting basis in the insured's home;

(VI) Services provided by a care provider as defined in this section;

(VII) At-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded;

(VIII) At-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than eight (8) weeks after the service date of the last Medicare approved home health care visit.

(c) Coverage is excluded for:

(i) Home care visits paid for by Medicare or other government programs; and

(ii) Care provided by family members, unpaid volunteers or providers who are not care providers.

Drafting Note: The Omnibus Budget Reconciliation Act 1990, 42 U.S.C. Section 1395ss(p)(7), does not prohibit the issuers of Medicare supplement policies, through an arrangement with a vendor for discounts from the vendor, from making available discounts from the vendor to the policyholder or certificate holder for the purchase of items or services not covered under its Medicare supplement policies (for example: discounts on hearing aids or eyeglasses).

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Drafting Note: The NAIC discussed including inflation protection for at-home recovery benefits, and preventive care benefits. However, because of the lack of an appropriate mechanism for indexing these benefits, NAIC has not included indexing at this point in time. However, NAIC is committed to evaluating the effectiveness of these benefits without inflation protection, and will revisit the issue. NAIC has determined that OBRA does not authorize NAIC to delegate the authority for indexing these benefits to a federal agency without an amendment to federal law.

D. Standards for Plans K and L.

(1) Standardized Medicare supplement benefit plan "K" shall consist of the following:

(a) Coverage of one hundred percent (100%) of the Part A hospital coinsurance amount for each day used from the 61st through the 90th day in any Medicare benefit period;

(b) Coverage of one hundred percent (100%) of the Part A hospital coinsurance amount for each Medicare lifetime inpatient reserve day used from the 91st through the 150th day in any Medicare benefit period;

(c) Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of one hundred percent (100%) of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance;

(d) Medicare Part A Deductible: Coverage for fifty percent (50%) of the Medicare Part A inpatient hospital deductible amount per benefit period until the out-of-pocket limitation is met as described in Subparagraph (j);

(e) Skilled Nursing Facility Care: Coverage for fifty percent (50%) of the coinsurance amount for each day used from the 21st day through the 100th day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A until the out-of-pocket limitation is met as described in Subparagraph (j);

(f) Hospice Care: Coverage for fifty percent (50%) of cost sharing for all Part A Medicare eligible expenses and respite care until the out-of-pocket limitation is met as described in Subparagraph (j);

(g) Coverage for fifty percent (50%), under Medicare Part A or B, of the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations until the out-of-pocket limitation is met as described in Subparagraph (j);

(h) Except for coverage provided in Subparagraph (i) below, coverage for fifty percent (50%) of the cost sharing otherwise applicable under Medicare Part B after the policyholder pays the Part B deductible

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until the out-of-pocket limitation is met as described in Subparagraph (j) below;

(i) Coverage of one hundred percent (100%) of the cost sharing for Medicare Part B preventive services after the policyholder pays the Part B deductible; and

(j) Coverage of one hundred percent (100%) of all cost sharing under Medicare Parts A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare Parts A and B of $4000 in 2006, indexed each year by the appropriate inflation adjustment specified by the Secretary of the U.S. Department of Health and Human Services.

(2) Standardized Medicare supplement benefit plan "L" shall consist of the following:

(a) The benefits described in Paragraphs (1)(a), (b), (c) and (i);

(b) The benefit described in Paragraphs (1)(d), (e), (f), (g) and (h), but substituting seventy-five percent (75%) for fifty percent (50%); and

(c) The benefit described in Paragraph (1)(j), but substituting $2000 for $4000.

Section 8.1 Benefit Standards for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery on or After June 1, 2010

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state on or after June 1, 2010. No policy or certificate may be advertised, solicited, delivered, or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards. No issuer may offer any [1990 Standardized Medicare supplement benefit plan] for sale on or after June 1, 2010. Benefit standards applicable to Medicare supplement policies and certificates issued before June 1, 2010, remain subject to the requirements of [-insert proper citation-].

Drafting Note. Each state should insert the proper citation(s) to its statutes or rules that govern Medicare supplement insurance policies and certificates issued prior to the June 1, 2010, effective date of 2010 Standardized benefit plan standards found in Sections 8.1 and 9.1 of this regulation. It is recommended that each state's applicable statutes or rules for Medicare supplement policies and certificates issued prior to June 1, 2010, be retained and that this section of the regulation be adopted in its entirety as a new section to govern policies issued on and after June 1, 2010.

A. General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

(1) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six (6) months from the effective date of coverage because it involved a preexisting condition. The policy or certificate may not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.

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Drafting Note: States that have adopted the NAIC Individual Accident and Sickness Insurance Minimum Standards Model Act should recognize a conflict between Section 6B of that Act and this subsection. It may be necessary to include additional language in the Minimum Standards Model Act that recognizes the applicability of this preexisting condition rule to Medicare supplement policies and certificates.

(2) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(3) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible, co-payment, or coinsurance amounts. Premiums may be modified to correspond with such changes.

Drafting Note: This provision was prepared so that premium changes can be made based on the changes in policy benefits that will be necessary because of changes in Medicare benefits. States may wish to redraft this provision to conform to their particular authority.

(4) No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

(5) Each Medicare supplement policy shall be guaranteed renewable.

(a) The issuer shall not cancel or non-renew the policy solely on the ground of health status of the individual.

(b) The issuer shall not cancel or non-renew the policy for any reason other than nonpayment of premium or material misrepresentation.

(c) If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under Section 8.1A(5)(e) of this regulation, the issuer shall offer certificate holders an individual Medicare supplement policy which (at the option of the certificate holder):

(i) Provides for continuation of the benefits contained in the group policy; or

(ii) Provides for benefits that otherwise meet the requirements of this subsection.

(d) If an individual is a certificate holder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall

(i) Offer the certificate holder the conversion opportunity described in Section 8.1A(5)(c) of this regulation; or

(ii) At the option of the group policyholder, offer the certificate holder continuation of coverage under the group policy.

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(e) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

Drafting Note: Rate increases otherwise authorized by law are not prohibited by this Paragraph (5).

(6) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits. Receipt of Medicare Part D benefits will not be considered in determining a continuous loss.

(7) (a) A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificate holder for the period (not to exceed twenty-four (24) months) in which the policyholder or certificate holder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificate holder notifies the issuer of the policy or certificate within ninety (90) days after the date the individual becomes entitled to assistance.

(b) If suspension occurs and if the policyholder or certificate holder loses entitlement to medical assistance, the policy or certificate shall be automatically reinstituted (effective as of the date of termination of entitlement) as of the termination of entitlement if the policyholder or certificate holder provides notice of loss of entitlement within ninety (90) days after the date of loss and pays the premium attributable to the period, effective as of the date of termination of entitlement.

(c) Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended (for any period that may be provided by federal regulation) at the request of the policyholder if the policyholder is entitled to benefits under Section 226 (b) of the Social Security Act and is covered under a group health plan (as defined in Section 1862 (b)(1)(A)(v) of the Social Security Act). If suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, the policy shall be automatically reinstituted (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within ninety (90) days after the date of the loss.

Drafting Note: The Ticket to Work and Work Incentives Improvement Act failed to provide for payment of the policy premiums in order to reinstitute coverage retroactively. States should consider adding the following language at the end of the last sentence in Subparagraph (c): "and pays the premium attributable to the period, effective as of the date of termination of enrollment in the group health plan." This addition will clarify that issuers are entitled to collect the premium in this situation, as they are under Subparagraph (b). Also, the Ticket to Work and Work Incentives Improvement Act of 1999 does not specify the period of time that a policy may be suspended under Section 8A(7)(c). In the period that may event that the Centers for Medicare & Medicaid Services (CMS) provides states with guidance on this issue, the phrase "for any be provided

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by federal law" has been inserted into this provision in parentheses so that any time period prescribed is incorporated by reference.

(d) Reinstitution of coverages as described in Subparagraphs (b) and (c):

(i) Shall not provide for any waiting period with respect to treatment of preexisting conditions;

(ii) Shall provide for resumption of coverage that is substantially equivalent to coverage in effect before the date of suspension; and

(iii) Shall provide for classification of premiums on terms at least as favorable to the policyholder or certificate holder as the premium classification terms that would have applied to the policyholder or certificate holder had the coverage not been suspended.

B. Standards for Basic (Core) Benefits Common to Medicare Supplement Insurance Benefit Plans A, B, C, D, F, F with High Deductible, G, M and N. Every issuer of Medicare supplement insurance benefit plans shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic core package, but not in lieu of it.

(1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(2) Coverage of Part A Medicare eligible expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used;

(3) Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of one hundred percent (100%) of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance;

Drafting Note: The issuer is required to pay whatever amount Medicare would have paid as if Medicare was covering the hospitalization. The "or other appropriate Medicare standard of payment" provision means the manner in which Medicare would have paid. The issuer stands in the place of Medicare, and so the provider must accept the issuer's payment as payment in full. The Outline of Coverage specifies that the beneficiary will pay "$0," and the provider cannot balance bill the insured.

(4) Coverage under Medicare Parts A and B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations;

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(5) Coverage for the coinsurance amount, or in the case of hospital outpatient department services paid under a prospective payment system, the co-payment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible;

(6) Hospice Care: Coverage of cost sharing for all Part A Medicare eligible hospice care and respite care expenses.

Drafting Note: In all cases involving hospital outpatient department services paid under a prospective payment system, the issuer is required to pay the co-payment amount established by CMS, which will be either the amount established for the Ambulatory Payment Classification (APC) group, or a provider-elected reduced co-payment amount.

C. Standards for Additional Benefits. The following additional benefits shall be included in Medicare supplement benefit Plans B, C, D, F, F with High Deductible, G, M, and N as provided by Section 9.1 of this regulation.

Drafting Note: Benefits for Plans K and L are set by The Medicare Prescription Drug, Improvement and Modernization. Act of 2003, and can be found in Sections 9.1E(8) and (9) of this regulation.

(1) Medicare Part A Deductible: Coverage for one hundred percent (100%) of the Medicare Part A inpatient hospital deductible amount per benefit period.

(2) Medicare Part A Deductible: Coverage for fifty percent (50%) of the Medicare Part A inpatient hospital deductible amount per benefit period.

(3) Skilled Nursing Facility Care: Coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A.

(4) Medicare Part B Deductible: Coverage for one hundred percent (100%) of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.

(5) One Hundred Percent (100%) of the Medicare Part B Excess Charges: Coverage for all of the difference between the actual Medicare Part B charges as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

(6) Medically Necessary Emergency Care in a Foreign Country: Coverage to the extent not covered by Medicare for eighty percent (80%) of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first sixty (60) consecutive days of each trip outside the United States, subject to a calendar year deductible of $250, and a lifetime maximum benefit of $50,000. For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or an illness of sudden and unexpected onset.

Drafting Note: The Omnibus Budget Reconciliation Act 1990, 42 U.S.C. Section 1395ss(p)(7), does not prohibit the issuers of Medicare supplement policies, through an arrangement with a vendor for discounts from the vendor, from making available discounts from the vendor to the policyholder or certificate holder for the purchase of items or services not covered under its Medicare supplement policies (for example: discounts on hearing aids or eyeglasses).

Drafting Note: The descriptions of Plans K and L are contained in Section 9.1E(8) and (9) of this regulation.

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Section 9. Standard Medicare Supplement Benefit Plans for 1990 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery on or After [insert effective date adopted by state] and Prior to June 1, 2010

Drafting Note: This section has been retained for transitional purposes. The purpose of this Section is to govern policies issued subsequent to the adoption of 1990 Standardized benefit plans and prior to June 1, 2010. Standards for 2010 Standardized benefit plans issued for effective dates on or after June 1, 2010, are included in Section 9.1 of this regulation.

A. An issuer shall make available to each prospective policyholder and certificate holder a policy form or certificate form containing only the basic core benefits, as defined in Section 8B of this regulation.

B. No groups, packages or combinations of Medicare supplement benefits other than those listed in this section shall be offered for sale in this state, except as may be permitted in Section 9G and in Section 10 of this regulation.

C. Benefit plans shall be uniform in structure, language, designation and format to the standard benefit plans "A" through "L" listed in this subsection and conform to the definitions in Section 4 of this regulation. Each benefit shall be structured in accordance with the format provided in Sections 8B and 8C,or 8D and list the benefits in the order shown in this subsection. For purposes of this section, "structure, language, and format" means style, arrangement and overall content of a benefit.

D. An issuer may use, in addition to the benefit plan designations required in Subsection C, other designations to the extent permitted by law.

Drafting Note: It is anticipated that if a state determines that it will authorize the sale of only some of these benefit plans, the letter codes used in this regulation will be preserved. The *Guide to Health Insurance for People with Medicare* published jointly by the NAIC and CMS will contain a chart comparing the possible combinations. In order for consumers to compare specific policy choices, it will be important that a uniform "naming" system be used. Thus, if only plans "A," "B," "D," "F (including F with a high deductible)" and "H" (for example) are authorized in a state, these plans should retain these alphabetical designations. However, an issuer may use, in addition to these alphabetical designations, other designations as provided in Section 9D of this regulation.

E. Make-up of benefit plans:

(1) Standardized Medicare supplement benefit plan "A" shall be limited to the basic (core) benefits common to all benefit plans, as defined in Section 8B of this regulation.

(2) Standardized Medicare supplement benefit plan "B" shall include only the following: The core benefit as defined in Section 8B of this regulation, plus the Medicare Part A deductible as defined in Section 8C(1).

(3) Standardized Medicare supplement benefit plan "C" shall include only the following: The core benefit as defined in Section 8B of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible and medically necessary emergency care in a foreign country as defined in Sections 8C(1), (2), (3) and (8) respectively.

(4) Standardized Medicare supplement benefit plan "D" shall include only the following: The core benefit (as defined in Section 8B of this regulation), plus the Medicare Part A deductible, skilled nursing facility care, medically

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necessary emergency care in an foreign country and the at-home recovery benefit as defined in Sections 8C(1), (2), (8) and (10) respectively.

(5) Standardized Medicare supplement benefit plan "E" shall include only the following: The core benefit as defined in Section 8B of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, medically necessary emergency care in a foreign country and preventive medical care as defined in Sections 8C(1), (2), (8) and (9) respectively.

(6) Standardized Medicare supplement benefit plan "F" shall include only the following: The core benefit as defined in Section 8B of this regulation, plus the Medicare Part A deductible, the skilled nursing facility care, the Part B deductible, one hundred percent (100%) of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in Sections 8C(1), (2), (3), (5) and (8) respectively.

(7) Standardized Medicare supplement benefit high deductible plan "F" shall include only the following: 100% of covered expenses following the payment of the annual high deductible plan "F" deductible. The covered expenses include the core benefit as defined in Section 8B of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, the Medicare Part B deductible, one hundred percent (100%) of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in Sections 8C(1), (2), (3), (5) and (8) respectively. The annual high deductible plan "F" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan "F" policy, and shall be in addition to any other specific benefit deductibles. The annual high deductible Plan "F" deductible shall be $1500 for 1998 and 1999, and shall be based on the calendar year. It shall be adjusted annually thereafter by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the twelve-month period ending with August of the preceding year, and rounded to the nearest multiple of $10.

(8) Standardized Medicare supplement benefit plan "G" shall include only the following: The core benefit as defined in Section 8B of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, eighty percent (80%) of the Medicare Part B excess charges, medically necessary emergency care in a foreign country, and the at-home recovery benefit as defined in Sections 8C(1), (2), (4), (8) and (10) respectively.

(9) Standardized Medicare supplement benefit plan "H" shall consist of only the following: The core benefit as defined in Section 8B of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, basic prescription drug benefit and medically necessary emergency care in a foreign country as defined in Sections 8C(1), (2), (6) and (8) respectively. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

(10) Standardized Medicare supplement benefit plan "I" shall consist of only the following: The core benefit as defined in Section 8B of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, one hundred percent (100%) of the Medicare Part B excess charges, basic prescription drug benefit, medically necessary emergency care in a foreign country and at-home

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recovery benefit as defined in Sections 8C(1), (2), (5), (6), (8) and (10) respectively. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

(11) Standardized Medicare supplement benefit plan "J" shall consist of only the following: The core benefit as defined in Section 8B of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, one hundred percent (100%) of the Medicare Part B excess charges, extended prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care and at-home recovery benefit as defined in Sections 8C(1), (2), (3), (5), (7), (8), (9) and (10) respectively. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

(12) Standardized Medicare supplement benefit high deductible plan "J" shall consist of only the following: 100% of covered expenses following the payment of the annual high deductible plan "J" deductible. The covered expenses include the core benefit as defined in Section 8B of this regulation, plus the Medicare Part A deductible, skilled nursing facility care, Medicare Part B deductible, one hundred percent (100%) of the Medicare Part B excess charges, extended outpatient prescription drug benefit, medically necessary emergency care in a foreign country, preventive medical care benefit and at-home recovery benefit as defined in Sections 8C(1), (2), (3), (5), (7), (8), (9) and (10) respectively. The annual high deductible plan "J" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan "J" policy, and shall be in addition to any other specific benefit deductibles. The annual deductible shall be $1500 for 1998 and 1999, and shall be based on a calendar year. It shall be adjusted annually thereafter by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the twelve-month period ending with August of the preceding year, and rounded to the nearest multiple of $10. The outpatient prescription drug benefit shall not be included in a Medicare supplement policy sold after December 31, 2005.

F. Make-up of two Medicare supplement plans mandated by The Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA);

(1) Standardized Medicare supplement benefit plan "K" shall consist of only those benefits described in Section 8 D(1).

(2) Standardized Medicare supplement benefit plan "L" shall consist of only those benefits described in Section 8 D(2).

G. New or Innovative Benefits: An issuer may, with the prior approval of the commissioner, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner that is consistent with the goal of simplification of Medicare supplement policies. After December 31, 2005, the innovative benefit shall not include an outpatient prescription drug benefit.

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Drafting Note: Use of new or innovative benefits may be appropriate to add coverage or access if they offer uniquely different or significantly expanded coverage.

Drafting Note: A state may determine by statute or regulation which of the above benefit plans may be sold in that state. The core benefit plan must be made available by all issuers. Therefore, the core benefit plan must be one of the authorized benefit plans adopted by a state. In no event, however, may a state authorize the sale of more than 10 standardized Medicare supplement benefit plans (that is, 9 plus the core policy), plus the two (2) high deductible plans, and the two (2) benefit plans K and L, mandated by MMA at the same time. Further, the modified versions of plans H, I, J as required by MMA after December 31, 2005, will not count as additional plans toward the limitations on the total number of plans discussed above.

Drafting Note: The Omnibus Budget Reconciliation Act of 1990 preempts state mandated benefits in Medicare supplement policies or certificates, except for those states which have been granted a waiver for non-standardized plans.

Drafting Note: After December 31, 2005, MMA prohibits Medicare supplement issuers from offering policies with outpatient prescription drug coverage, and from renewing outpatient prescription drug coverage for insureds enrolled in Medicare Part D. Consequently, plans with an outpatient prescription drug benefit will not be offered to new enrollees after that time.

Drafting Note: Pursuant to the enactment of MMA, two new benefit packages, called K and L, were added to plans A through J. The two new packages have higher co-payments and coinsurance contributions from the Medicare beneficiary.

Section 9.1 Standard Medicare Supplement Benefit Plans for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery on or After June 1, 2010

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state on or after June 1, 2010. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit plan standards. Benefit plan standards applicable to Medicare supplement policies and certificates issued before June 1, 2010, remain subject to the requirements of [-insert proper citation-].

Drafting Note: Each state should insert the proper citation(s) to its statutes or rules that govern Medicare supplement insurance policies and certificates issued prior to the June 1, 2010, effective date of the 2010 Standardized benefit plan standards found in Sections 8.1 and 9.1 of this regulation. It is recommended that each state's applicable statutes or rules for Medicare supplement benefit plans for policies and certificates issued prior to June 1, 2010, be retained and that this section of the Model be adopted in its entirety as a new section to govern policies and certificates issued on and after June 1, 2010. (The benefit plan standards of the Medicare Supplement Model Regulation for policies issued prior to June 1, 2010, are found in Section 9 of this regulation.)

A. (1) An issuer shall make available to each prospective policyholder and certificate holder a policy form or certificate form containing only the basic (core) benefits, as defined in Section 8.1B of this regulation.

(2) If an issuer makes available any of the additional benefits described in Section 8.1C, or offers standardized benefit Plans K or L (as described in Sections 9.1E(8) and (9) of this regulation), then the issuer shall make available to each prospective policyholder and certificate holder, in addition to a policy form or certificate form with only the basic (core) benefits as described in Subsection A(1) above, a policy form or certificate form containing either standardized benefit Plan C (as described in Section 9.1E(3) of this regulation) or standardized benefit Plan F (as described in 9.1E(5) of this regulation).

B. No groups, packages or combinations of Medicare supplement benefits other than those listed in this section shall be offered for sale in this state, except as may be permitted in Section 9.1F and in Section 10 of this regulation.

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C. Benefit plans shall be uniform in structure, language, designation and format to the standard benefit plans listed in this subsection and conform to the definitions in Section 4 of this regulation. Each benefit shall be structured in accordance with the format provided in Sections 8.1B and 8.1C of this regulation; or, in the case of plans K or L, in Sections 9.1E(8) or (9) of this regulation and list the benefits in the order shown. For purposes of this section, "structure, language, and format" means style, arrangement and overall content of a benefit.

D. In addition to the benefit plan designations required in Subsection C of this section, an issuer may use other designations to the extent permitted by law.

Drafting Note: It is anticipated that if a state determines that it will authorize the sale of only some of these benefit plans, the letter codes used in this regulation will be preserved. The *Guide to Health Insurance for People with Medicare* published jointly by the NAIC and CMS will contain a chart comparing the possible combinations. In order for consumers to compare specific policy choices, it will be important that a uniform "naming" system be used. Thus, if only Plans A, B, D, F, F with High Deductible, and K (for example) are authorized in a state, these plans must retain their alphabetical designations. An issuer may use, in addition to these alphabetical designations, other designations as provided in Section 9.1D of this regulation.

E. Make-up of 2010 Standardized Benefit Plans:

(1) Standardized Medicare supplement benefit Plan A shall include only the following: The basic (core) benefits as defined in Section 8.1B of this regulation.

(2) Standardized Medicare supplement benefit Plan B shall include only the following: The basic (core) benefit as defined in Section 8.1B of this regulation, plus one hundred percent (100%) of the Medicare Part A deductible as defined in Section 8.1C(1) of this regulation.

(3) Standardized Medicare supplement benefit Plan C shall include only the following: The basic (core) benefit as defined in Section 8.1B of this regulation, plus one hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, one hundred percent (100%) of the Medicare Part B deductible, and medically necessary emergency care in a foreign country as defined in Sections 8.1C(1), (3), (4), and (6) of this regulation, respectively.

(4) Standardized Medicare supplement benefit Plan D shall include only the following: The basic (core) benefit (as defined in Section 8.1B of this regulation), plus one hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, and medically necessary emergency care in an foreign country as defined in Sections 8.1C(1), (3), and (6) of this regulation, respectively.

(5) Standardized Medicare supplement [regular] Plan F shall include only the following: The basic (core) benefit as defined in Section 8.1B of this regulation, plus one hundred percent (100%) of the Medicare Part A deductible, the skilled nursing facility care, one hundred percent (100%) of the Medicare Part B deductible, one hundred percent (100%) of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in Sections 8.1C(1), (3), (4), (5), and (6), respectively.

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(6) Standardized Medicare supplement Plan F With High Deductible shall include only the following: one hundred percent (100%) of covered expenses following the payment of the annual deductible set forth in Subparagraph (b).

(a) The basic (core) benefit as defined in Section 8.1B of this regulation, plus one hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, one hundred percent (100%) of the Medicare Part B deductible, one hundred percent (100%) of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in Sections 8.1C(1), (3), (4), (5), and (6) of this regulation, respectively.

(b) The annual deductible in Plan F With High Deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by [regular] Plan F, and shall be in addition to any other specific benefit deductibles. The basis for the deductible shall be $1,500 and shall be adjusted annually from 1999 by the Secretary of the U.S. Department of Health and Human Services to reflect the change in the Consumer Price Index for all urban consumers for the twelve-month period ending with August of the preceding year, and rounded to the nearest multiple of ten dollars ($10).

(7) Standardized Medicare supplement benefit Plan G shall include only the following: The basic (core) benefit as defined in Section 8.1B of this regulation, plus one hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, one hundred percent (100%) of the Medicare Part B excess charges, and medically necessary emergency care in a foreign country as defined in Sections 8.1C(1), (3), (5), and (6), respectively. Effective January 1, 2020, the standardized benefit plans described in Section 9.2 A. (4) of this regulation (Redesignated Plan G High Deductible) may be offered to any individual who was eligible for Medicare prior to January 1, 2020.

(8) Standardized Medicare supplement Plan K is mandated by The Medicare Prescription Drug, Improvement and Modernization Act of 2003, and shall include only the following:

(a) Part A Hospital Coinsurance 61st through 90th days: Coverage of one hundred percent (100%) of the Part A hospital coinsurance amount for each day used from the 61st through the 90th day in any Medicare benefit period;

(b) Part A Hospital Coinsurance, 91st through 150th days: Coverage of one hundred percent (100%) of the Part A hospital coinsurance amount for each Medicare lifetime inpatient reserve day used from the 91st through the 150th day in any Medicare benefit period;

(c) Part A Hospitalization After Lifetime Reserve Days are Exhausted: Upon exhaustion of the Medicare hospital inpatient coverage, including the lifetime reserve days, coverage of one hundred percent (100%) of the Medicare Part A eligible expenses for hospitalization paid at the applicable prospective payment system (PPS) rate, or other appropriate Medicare standard of payment, subject to a lifetime

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maximum benefit of an additional 365 days. The provider shall accept the issuer's payment as payment in full and may not bill the insured for any balance;

(d) Medicare Part A Deductible: Coverage for fifty percent (50%) of the Medicare Part A inpatient hospital deductible amount per benefit period until the out-of-pocket limitation is met as described in Subparagraph (j);

(e) Skilled Nursing Facility Care: Coverage for fifty percent (50%) of the coinsurance amount for each day used from the 21st day through the 100th day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Medicare Part A until the out-of-pocket limitation is met as described in Subparagraph (j);

(f) Hospice Care: Coverage for fifty percent (50%) of cost sharing for all Part A Medicare eligible expenses and respite care until the out-of-pocket limitation is met as described in Subparagraph (j);

(g) Blood: Coverage for fifty percent (50%), under Medicare Part A or B, of the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations until the out-of-pocket limitation is met as described in Subparagraph (j);

(h) Part B Cost Sharing: Except for coverage provided in Subparagraph (i), coverage for fifty percent (50%) of the cost sharing otherwise applicable under Medicare Part B after the policyholder pays the Part B deductible until the out-of-pocket limitation is met as described in Subparagraph (j);

(i) Part B Preventive Services: Coverage of one hundred percent (100%) of the cost sharing for Medicare Part B preventive services after the policyholder pays the Part B deductible; and

(j) Cost Sharing After Out-of-Pocket Limits: Coverage of one hundred percent (100%) of all cost sharing under Medicare Parts A and B for the balance of the calendar year after the individual has reached the out-of-pocket limitation on annual expenditures under Medicare Parts A and B of $4000 in 2006, indexed each year by the appropriate inflation adjustment specified by the Secretary of the U.S. Department of Health and Human Services.

(9) Standardized Medicare supplement Plan L is mandated by The Medicare Prescription Drug, Improvement and Modernization Act of 2003, and shall include only the following:

(a) The benefits described in Paragraphs 9.1E(8)(a), (b), (c) and (i);

(b) The benefit described in Paragraphs 9.1E(8)(d), (e), (f), (g) and (h), but substituting seventy-five percent (75%) for fifty percent (50%); and

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(c) The benefit described in Paragraph 9.1E(8)(j), but substituting $2000 for $4000.

(10) Standardized Medicare supplement Plan M shall include only the following: The basic (core) benefit as defined in Section 8.1B of this regulation, plus fifty percent (50%) of the Medicare Part A deductible, skilled nursing facility care, and medically necessary emergency care in a foreign country as defined in Sections 8.1C(2), (3) and (6) of this regulation, respectively.

(11) Standardized Medicare supplement Plan N shall include only the following: The basic (core) benefit as defined in Section 8.1B of this regulation, plus one hundred percent (100%) of the Medicare Part A deductible, skilled nursing facility care, and medically necessary emergency care in a foreign country as defined in Sections 8.1C(1), (3) and (6) of this regulation, respectively, with co-payments in the following amounts:

(a) The lesser of twenty dollars ($20) or the Medicare Part B coinsurance or co-payment for each covered health care provider office visit (including visits to medical specialists); and

(b) The lesser of fifty dollars ($50) or the Medicare Part B coinsurance or co-payment for each covered emergency room visit, however, this co-payment shall be waived if the insured is admitted to any hospital and the emergency visit is subsequently covered as a Medicare Part A expense.

Drafting Note: The NAIC expects to periodically review the co-payment levels for Medicare supplement Plan N and make adjustments to this regulation as necessary.

F. New or Innovative Benefits: An issuer may, with the prior approval of the [commissioner], offer policies or certificates with new or innovative benefits, in addition to the standardized benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new or innovative benefits shall include only benefits that are appropriate to Medicare supplement insurance, are new or innovative, are not otherwise available, and are cost-effective. Approval of new or innovative benefits must not adversely impact the goal of Medicare supplement simplification. New or innovative benefits shall not include an outpatient prescription drug benefit. New or innovative benefits shall not be used to change or reduce benefits, including a change of any cost-sharing provision, in any standardized plan.

Drafting Note: Recognizing the challenge in maintaining standardization while ensuring availability of new or innovative benefits, the drafters have included additional guidance to states in the NAIC Medicare Supplement Insurance Model Regulation Compliance Manual.. This guidance includes a recommendation that states consider making publicly available all approved new or innovative benefits, and requests states to report the approval of all new or innovative benefits to the NAIC Senior Issues Task Force, who will maintain a record of these benefits for use by regulators and others. The Senior Issues Task Force will periodically review state approved benefits and consider whether to recommend that they be made part of standard benefit plan designs in this regulation.

Drafting Note: A state may determine by statute or regulation which of the above benefit plans may be sold in that state. Plan A, which consists of the basic (core) benefits must be made available by all issuers. Therefore, Plan A must be one of the authorized benefit plans adopted by a state. If an issuer offers any benefit plan in addition to Plan A, then the issuer must also offer either Plan C or Plan F. Therefore, if any benefit plan is authorized by a state other than Plan A, then either Plan C or Plan F must be among the authorized benefit plans adopted by a state. Except where a new or innovative benefit is approved by the [commissioner] for sale in a state, a state may not authorize the sale of any Medicare supplement plan other than the standardized Medicare supplement benefit plans (that is, Plans A, B, C, D, F, F With High Deductible, G, K, L, M and N) set forth in this regulation.

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Drafting Note: The Omnibus Budget Reconciliation Act of 1990 preempts state mandated benefits in Medicare supplement policies or certificates, except for those states which have been granted a waiver for non-standardized plans.

Section 9.2. Standard Medicare Supplement Benefit Plans for 2020 Standardized Medicare Supplement Benefit Plan Policies or Certificates Issued for Delivery to Individuals Newly Eligible for Medicare on or After January 1, 2020.

The Medicare Access and CHIP Reauthorization Act of 2015 (MACRA) requires the following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state to individuals newly eligible for Medicare on or after January 1, 2020. No policy or certificate that provides coverage of the Medicare Part B deductible may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate to individuals newly eligible for Medicare on or after January 1, 2020. All policies must comply with the following benefit standards. Benefit plan standards applicable to Medicare supplement policies and certificates issued to individuals eligible for Medicare before January 1, 2020, remain subject to the requirements of [-insert proper state citation-].

A. Benefit Requirements. The standards and requirements of Section 9.1 shall apply to all Medicare supplement policies or certificates delivered or issued for delivery to individuals newly eligible for Medicare on or after January 1, 2020, with the following exceptions:

(1) Standardized Medicare supplement benefit Plan C is redesignated as Plan D and shall provide the benefits contained in Section 9.1E(3) of this regulation but shall not provide coverage for one hundred percent (100%) or any portion of the Medicare Part B deductible.

(2) Standardized Medicare supplement benefit Plan F is redesignated as Plan G and shall provide the benefits contained in Section 9.1E(5) of this regulation but shall not provide coverage for one hundred percent (100%) or any portion of the Medicare Part B deductible.

(3) Standardized Medicare supplement benefit plans C, F, and F with High Deductible may not be offered to individuals newly eligible for Medicare on or after January 1, 2020.

(4) Standardized Medicare supplement benefit Plan F With High Deductible is redesignated as Plan G With High Deductible and shall provide the benefits contained in Section 9.1E(6) of this regulation but shall not provide coverage for one hundred percent (100%) or any portion of the Medicare Part B deductible; provided further that, the Medicare Part B deductible paid by the beneficiary shall be considered an out-of-pocket expense in meeting the annual high deductible.

Drafting Note: Subsection A(4), above implements the High Deductible Plan G as a redesignation of the prior High Deductible Plan F because federal law "deems" any reference to Plan F as Plan G for "newly eligible" Medicare beneficiaries. High Deductible Plan G is the same as the High Deductible Plan F except that where the annual out-of-pocket expenses are met with Medicare Part A expenses only, any subsequent Medicare Part B deductible expense incurred by the beneficiary after the required annual out-of-pocket expenses is met may not be paid for by the High Deductible Plan G. Federal law prohibits the sale or issuance of any Medigap policy that provides coverage (i.e. third party payment) of the Part B deductible to a "newly eligible" Medicare beneficiary and was enacted for the purpose of increasing cost-sharing and reducing "first dollar coverage". Treating the Medicare Part B deductible as an out-of-pocket expense of the beneficiary under Plan G High Deductible meets this purpose.

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(5) The reference to Plans C or F contained in Section 9.1A(2) is deemed a reference to Plans D or G for purposes of this section.

B. Applicability to Certain Individuals. This Section 9.2, applies to only individuals that are newly eligible for Medicare on or after January 1, 2020:

(1) By reason of attaining age 65 on or after January 1, 2020; or

(2) By reason of entitlement to benefits under part A pursuant to Section 226(b) or 226A of the Social Security Act, or who is deemed to be eligible for benefits under Section 226(a) of the Social Security Act on or after January 1, 2020.

C. Guaranteed Issue for Eligible Persons. For purposes of Section 12.E, in the case of any individual newly eligible for Medicare on or after January 1, 2020, any reference to a Medicare supplement policy C or F (including F With High Deductible) shall be deemed to be a reference to Medicare supplement policy D or G (including G With High Deductible), respectively, that meet the requirements of this Section 9.2A.

D. Applicability to Waivered States. In the case of a State described in Section 1882(p)(6) of the Social Security Act ("waivered" alternative simplification states) MACRA prohibits the coverage of the Medicare Part B deductible for any Medicare supplement policy sold or issued to an individual that is newly eligible for Medicare on or after January 1, 2020.

E. Offer of Redesignated Plans to Individuals Other Than Newly Eligible. On or after January 1, 2020, the standardized benefit plans described in subparagraph A.(4), above may be offered to any individual who was eligible for Medicare prior to January 1, 2020, in to the standardized plans described in Section 9.1E of this regulation.

Drafting Note: The standardized benefit plans described in Subparagraphs A(1) and A(2), above in this Section are also included as benefit plans D and G in Section 9.1E(4) and (7).

Section 10. Medicare Select Policies and Certificates

A. (1) This section shall apply to Medicare Select policies and certificates, as defined in this section.

Drafting Note: This section should be adopted by all states approving Medicare Select policies.

(2) No policy or certificate may be advertised as a Medicare Select policy or certificate unless it meets the requirements of this section.

B. For the purposes of this section:

(1) "Complaint" means any dissatisfaction expressed by an individual concerning a Medicare Select issuer or its network providers.

(2) "Grievance" means dissatisfaction expressed in writing by an individual insured under a Medicare Select policy or certificate with the administration, claims practices, or provision of services concerning a Medicare Select issuer or its network providers.

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(3) "Medicare Select issuer" means an issuer offering, or seeking to offer, a Medicare Select policy or certificate.

(4) "Medicare Select policy" or "Medicare Select certificate" mean respectively a Medicare supplement policy or certificate that contains restricted network provisions.

(5) "Network provider" means a provider of health care, or a group of providers of health care, which has entered into a written agreement with the issuer to provide benefits insured under a Medicare Select policy.

(6) "Restricted network provision" means any provision which conditions the payment of benefits, in whole or in part, on the use of network providers.

(7) "Service area" means the geographic area approved by the commissioner within which an issuer is authorized to offer a Medicare Select policy.

C. The commissioner may authorize an issuer to offer a Medicare Select policy or certificate, pursuant to this section and Section 4358 of the Omnibus Budget Reconciliation Act (OBRA) of 1990 if the commissioner finds that the issuer has satisfied all of the requirements of this regulation.

D. A Medicare Select issuer shall not issue a Medicare Select policy or certificate in this state until its plan of operation has been approved by the commissioner.

E. A Medicare Select issuer shall file a proposed plan of operation with the commissioner in a format prescribed by the commissioner. The plan of operation shall contain at least the following information:

(1) Evidence that all covered services that are subject to restricted network provisions are available and accessible through network providers, including a demonstration that:

(a) Services can be provided by network providers with reasonable promptness with respect to geographic location, hours of operation and after-hour care. The hours of operation and availability of after-hour care shall reflect usual practice in the local area. Geographic availability shall reflect the usual travel times within the community.

(b) The number of network providers in the service area is sufficient, with respect to current and expected policyholders, either:

(i) To deliver adequately all services that are subject to a restricted network provision; or

(ii) To make appropriate referrals.

(c) There are written agreements with network providers describing specific responsibilities.

(d) Emergency care is available twenty-four (24) hours per day and seven (7) days per week.

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(e) In the case of covered services that are subject to a restricted network provision and are provided on a prepaid basis, there are written agreements with network providers prohibiting the providers from billing or otherwise seeking reimbursement from or recourse against any individual insured under a Medicare Select policy or certificate. This paragraph shall not apply to supplemental charges or coinsurance amounts as stated in the Medicare Select policy or certificate.

(2) A statement or map providing a clear description of the service area.

(3) A description of the grievance procedure to be utilized.

(4) A description of the quality assurance program, including:

(a) The formal organizational structure;

(b) The written criteria for selection, retention and removal of network providers; and

(c) The procedures for evaluating quality of care provided by network providers, and the process to initiate corrective action when warranted.

(5) A list and description, by specialty, of the network providers.

(6) Copies of the written information proposed to be used by the issuer to comply with Subsection I.

(7) Any other information requested by the commissioner.

F. (1) A Medicare Select issuer shall file any proposed changes to the plan of operation, except for changes to the list of network providers, with the commissioner prior to implementing the changes. Changes shall be considered approved by the commissioner after thirty (30) days unless specifically disapproved.

(2) An updated list of network providers shall be filed with the commissioner at least quarterly.

G. A Medicare Select policy or certificate shall not restrict payment for covered services provided by non-network providers if:

(1) The services are for symptoms requiring emergency care or are immediately required for an unforeseen illness, injury or a condition; and

(2) It is not reasonable to obtain services through a network provider.

H. A Medicare Select policy or certificate shall provide payment for full coverage under the policy for covered services that are not available through network providers.

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I. A Medicare Select issuer shall make full and fair disclosure in writing of the provisions, restrictions and limitations of the Medicare Select policy or certificate to each applicant. This disclosure shall include at least the following:

(1) An outline of coverage sufficient to permit the applicant to compare the coverage and premiums of the Medicare Select policy or certificate with:

(a) Other Medicare supplement policies or certificates offered by the issuer; and

(b) Other Medicare Select policies or certificates.

(2) A description (including address, phone number and hours of operation) of the network providers, including primary care physicians, specialty physicians, hospitals and other providers.

(3) A description of the restricted network provisions, including payments for coinsurance and deductibles when providers other than network providers are utilized. Except to the extent specified in the policy or certificate, expenses incurred when using out-of-network providers do not count toward the out-of-pocket annual limit contained in plans K and L.

(4) A description of coverage for emergency and urgently needed care and other out-of-service area coverage.

(5) A description of limitations on referrals to restricted network providers and to other providers.

(6) A description of the policyholder's rights to purchase any other Medicare supplement policy or certificate otherwise offered by the issuer.

(7) A description of the Medicare Select issuer's quality assurance program and grievance procedure.

J. Prior to the sale of a Medicare Select policy or certificate, a Medicare Select issuer shall obtain from the applicant a signed and dated form stating that the applicant has received the information provided pursuant to Subsection I of this section and that the applicant understands the restrictions of the Medicare Select policy or certificate.

K. A Medicare Select issuer shall have and use procedures for hearing complaints and resolving written grievances from the subscribers. The procedures shall be aimed at mutual agreement for settlement and may include arbitration procedures.

(1) The grievance procedure shall be described in the policy and certificates and in the outline of coverage.

(2) At the time the policy or certificate is issued, the issuer shall provide detailed information to the policyholder describing how a grievance may be registered with the issuer.

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(3) Grievances shall be considered in a timely manner and shall be transmitted to appropriate decision-makers who have authority to fully investigate the issue and take corrective action.

(4) If a grievance is found to be valid, corrective action shall be taken promptly.

(5) All concerned parties shall be notified about the results of a grievance.

(6) The issuer shall report no later than each March 31st to the commissioner regarding its grievance procedure. The report shall be in a format prescribed by the commissioner and shall contain the number of grievances filed in the past year and a summary of the subject, nature and resolution of such grievances.

L. At the time of initial purchase, a Medicare Select issuer shall make available to each applicant for a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate otherwise offered by the issuer.

M. (1) At the request of an individual insured under a Medicare Select policy or certificate, a Medicare Select issuer shall make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make the policies or certificates available without requiring evidence of insurability after the Medicare Select policy or certificate has been in force for six (6) months.

(2) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this paragraph, a significant benefit means coverage for the Medicare Part A deductible, coverage for at-home recovery services or coverage for Part B excess charges.

N. Medicare Select policies and certificates shall provide for continuation of coverage in the event the Secretary of Health and Human Services determines that Medicare Select policies and certificates issued pursuant to this section should be discontinued due to either the failure of the Medicare Select Program to be reauthorized under law or its substantial amendment.

(1) Each Medicare Select issuer shall make available to each individual insured under a Medicare Select policy or certificate the opportunity to purchase any Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer shall make the policies and certificates available without requiring evidence of insurability.

(2) For the purposes of this subsection, a Medicare supplement policy or certificate will be considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare Select policy or certificate being replaced. For the purposes of this paragraph, a significant benefit means coverage for the Medicare Part A deductible, coverage for at-home recovery services or coverage for Part B excess charges.

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O. A Medicare Select issuer shall comply with reasonable requests for data made by state or federal agencies, including the United States Department of Health and Human Services, for the purpose of evaluating the Medicare Select Program.

Section 11. Open Enrollment

A. An issuer shall not deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this state, nor discriminate in the pricing of a policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of an applicant in the case of an application for a policy or certificate that is submitted prior to or during the six (6) month period beginning with the first day of the first month in which an individual is both 65 years of age or older and is enrolled for benefits under Medicare Part B. Each Medicare supplement policy and certificate currently available from an insurer shall be made available to all applicants who qualify under this subsection without regard to age.

B. (1) If an applicant qualifies under Subsection A and submits an application during the time period referenced in Subsection A and, as of the date of application, has had a continuous period of creditable coverage of at least six (6) months, the issuer shall not exclude benefits based on a preexisting condition.

(2) If the applicant qualifies under Subsection A and submits an application during the time period referenced in Subsection A and, as of the date of application, has had a continuous period of creditable coverage that is less than six (6) months, the issuer shall reduce the period of any preexisting condition exclusion by the aggregate of the period of creditable coverage applicable to the applicant as of the enrollment date. The Secretary shall specify the manner of the reduction under this subsection.

Drafting Note: The Secretary has developed regulations pursuant to HIPAA regarding methods of counting creditable coverage, which govern the way the reduction is to be applied in Section 11B(2).

C. Except as provided in Subsection B and Sections 12 and 23, Subsection A shall not be construed as preventing the exclusion of benefits under a policy, during the first six (6) months, based on a preexisting condition for which the policyholder or certificate holder received treatment or was otherwise diagnosed during the six (6) months before the coverage became effective.

Section 12. Guaranteed Issue for Eligible Persons

A. Guaranteed Issue.

(1) Eligible persons are those individuals described in Subsection B who seek to enroll under the policy during the period specified in Subsection C, and who submit evidence of the date of termination, disenrollment, or Medicare Part D enrollment with the application for a Medicare supplement policy.

(2) With respect to eligible persons, an issuer shall not deny or condition the issuance or effectiveness of a Medicare supplement policy described in Subsection E that is offered and is available for issuance to new enrollees by the issuer, shall not discriminate in the pricing of such a Medicare

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supplement policy because of health status, claims experience, receipt of health care, or medical condition, and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.

B. Eligible Persons. An eligible person is an individual described in any of the following paragraphs:

(1) The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare; and the plan terminates, or the plan ceases to provide all such supplemental health benefits to the individual;

Drafting Note: Paragraph (1) above uses the federal legislative language from the Balanced Budget Act of 1997 (P.L. 105-33) that defines an eligible person as an individual with respect to whom an employee welfare benefit plan terminates, or ceases to provide "all" health benefits that supplement Medicare. There was protracted discussion among the drafters about the interpretation of "all" in this context: if the employer drops some supplemental benefits, but not all such benefits, from its welfare plan, should the individual be eligible for a guaranteed issue Medicare supplement product? This question may become crucial to certain individuals depending on the benefits dropped by the employer. Federal legislative history appears to indicate the intention that the word "all" be strictly construed so as to require termination or cessation of all supplemental health benefits. States, however, can provide greater protections to beneficiaries and may wish to include, as eligible persons, individuals who have lost "some or all" or "substantially all" of their supplemental health benefits, to encompass situations where a change is made in an employee welfare benefit plan that reduces the amount of supplemental health benefits available to the individual. States that consider alternative language are reminded to consider the impact of issues such as plan changes that result in adverse selection, duplicate coverage, triggering the requirement for plan administrator notice (see Section 12D) and other issues.

(2) The individual is enrolled with a Medicare Advantage organization under a Medicare Advantage plan under part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a Program of All-Inclusive Care for the Elderly (PACE) provider under Section 1894 of the Social Security Act, and there are circumstances similar to those described below that would permit discontinuance of the individual's enrollment with such provider if such individual were enrolled in a Medicare Advantage plan:

(a) The certification of the organization or plan has been terminated;

(b) The organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides;

(c) The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary, but not including termination of the individual's enrollment on the basis described in Section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under Section 1856), or the plan is terminated for all individuals within a residence area;

(d) The individual demonstrates, in accordance with guidelines established by the Secretary, that:

(i) The organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the failure to

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provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

(ii) The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or

(e) The individual meets such other exceptional conditions as the Secretary may provide.

(3) (a) The individual is enrolled with:

(i) An eligible organization under a contract under Section 1876 of the Social Security Act (Medicare cost);

(iii) A similar organization operating under demonstration project authority, effective for periods before April 1, 1999;

(iii) An organization under an agreement under Section 1833(a)(1)(A) of the Social Security Act (health care prepayment plan); or

(iv) An organization under a Medicare Select policy; and

(b) The enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under Section 12B(2).

Drafting Note: Paragraph (3)(a)(iv) above is not required if there is a provision in state law or regulation that provides for the continuation or conversion of Medicare Select policies or certificates.

(4) The individual is enrolled under a Medicare supplement policy and the enrollment ceases because:

(a) (i) Of the insolvency of the issuer or bankruptcy of the non-issuer organization; or

(ii) Of other involuntary termination of coverage or enrollment under the policy;

(b) The issuer of the policy substantially violated a material provision of the policy; or

(c) The issuer, or an agent or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual;

Drafting Note: The reference to "insolvency of the issuer" in Paragraph 4(a) above is not required if there is a provision in state law or regulation that provides for the continuation or conversion of Medicare supplement policies or certificates.

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(5) (a) The individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare Advantage organization under a Medicare Advantage plan under part C of Medicare, any eligible organization under a contract under Section 1876 of the Social Security Act (Medicare cost), any similar organization operating under demonstration project authority, any PACE provider under Section 1894 of the Social Security Act or a Medicare Select policy; and

(b) The subsequent enrollment under subparagraph (a) is terminated by the enrollee during any period within the first twelve (12) months of such subsequent enrollment (during which the enrollee is permitted to terminate such subsequent enrollment under Section 1851(e) of the federal Social Security Act); or

(6) The individual, upon first becoming eligible for benefits under part A of Medicare at age 65, enrolls in a Medicare Advantage plan under part C of Medicare, or with a PACE provider under Section 1894 of the Social Security Act, and disenrolls from the plan or program by not later than twelve (12) months after the effective date of enrollment.

(7) The individual enrolls in a Medicare Part D plan during the initial enrollment period and, at the time of enrollment in Part D, was enrolled under a Medicare supplement policy that covers outpatient prescription drugs and the individual terminates enrollment in the Medicare supplement policy and submits evidence of enrollment in Medicare Part D along with the application for a policy described in Subsection E(4).

Drafting Note: Federal law provides a guaranteed issue right to a Medicare supplement insurance product to individuals who enroll in Medicare Part B at age 65. States may wish to consider extending this right to other classes of individuals, such as those who postpone enrollment in Medicare Part B until after age 65 because they are working and are enrolled in a group health insurance plan.

Drafting Note: Paragraph (7) does not preclude an individual from applying for a new Medigap policy without drug coverage while still enrolled in the policy with drug coverage. The issuer will terminate the drug policy when it issues the new policy without drug coverage.

C. Guaranteed Issue Time Periods.

(1) In the case of an individual described in Subsection B(1), the guaranteed issue period begins on the later of: (i) the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if a notice is not received, notice that a claim has been denied because of a termination or cessation); or (ii) the date that the applicable coverage terminates or ceases; and ends sixty-three (63) days thereafter;

(2) In the case of an individual described in Subsection B(2), B(3), B(5) or B(6) whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date that the individual receives a notice of termination and ends sixty-three (63) days after the date the applicable coverage is terminated;

(3) In the case of an individual described in Subsection B(4)(a), the guaranteed issue period begins on the earlier of: (i) the date that the individual receives a notice of termination, a notice of the issuer's bankruptcy or insolvency, or

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other such similar notice if any, and (ii) the date that the applicable coverage is terminated, and ends on the date that is sixty-three (63) days after the date the coverage is terminated;

(4) In the case of an individual described in Subsection B(2), B(4)(b), B(4)(c), B(5) or B(6) who disenrolls voluntarily, the guaranteed issue period begins on the date that is sixty (60) days before the effective date of the disenrollment and ends on the date that is sixty-three (63) days after the effective date;

(5) In the case of an individual described in Subsection B(7), the guaranteed issue period begins on the date the individual receives notice pursuant to Section 1882(v)(2)(B) of the Social Security Act from the Medicare supplement issuer during the sixty-day period immediately preceding the initial Part D enrollment period and ends on the date that is sixty-three (63) days after the effective date of the individual's coverage under Medicare Part D; and

(6) In the case of an individual described in Subsection B but not described in the preceding provisions of this subsection, the guaranteed issue period begins on the effective date of disenrollment and ends on the date that is sixty-three (63) days after the effective date.

D. Extended Medigap Access for Interrupted Trial Periods.

(1) In the case of an individual described in Subsection B(5) (or deemed to be so described, pursuant to this paragraph) whose enrollment with an organization or provider described in Subsection B(5)(a) is involuntarily terminated within the first twelve (12) months of enrollment, and who, without an intervening enrollment, enrolls with another such organization or provider, the subsequent enrollment shall be deemed to be an initial enrollment described in Section 12B(5);

(2) In the case of an individual described in Subsection B(6) (or deemed to be so described, pursuant to this paragraph) whose enrollment with a plan or in a program described in Subsection B(6) is involuntarily terminated within the first twelve (12) months of enrollment, and who, without an intervening enrollment, enrolls in another such plan or program, the subsequent enrollment shall be deemed to be an initial enrollment described in Section 12B(6); and

(3) For purposes of Subsections B(5) and B(6), no enrollment of an individual with an organization or provider described in Subsection B(5)(a), or with a plan or in a program described in Subsection B(6), may be deemed to be an initial enrollment under this paragraph after the two-year period beginning on the date on which the individual first enrolled with such an organization, provider, plan or program.

E. Products to Which Eligible Persons are Entitled. The Medicare supplement policy to which eligible persons are entitled under:

(1) Section 12B(1), (2), (3) and (4) is a Medicare supplement policy which has a benefit package classified as Plan A, B, C, F (including F with a high deductible), K or L offered by any issuer.

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(2) (a) Subject to Subparagraph (b), Section 12B(5) is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in Paragraph (1);

(b) After December 31, 2005, if the individual was most recently enrolled in a Medicare supplement policy with an outpatient prescription drug benefit, a Medicare supplement policy described in this subparagraph is:

(i) The policy available from the same issuer but modified to remove outpatient prescription drug coverage; or

(ii) At the election of the policyholder, an A, B, C, F (including F with a high deductible), K or L policy that is offered by any issuer;

(3) Section 12B(6) shall include any Medicare supplement policy offered by any issuer;

(4) Section 12B(7) is a Medicare supplement policy that has a benefit package classified as Plan A, B, C, F (including F with a high deductible), K or L, and that is offered and is available for issuance to new enrollees by the same issuer that issued the individual's Medicare supplement policy with outpatient prescription drug coverage.

Drafting Note: Under federal law, for states that have an alternative form of standardization under a federal waiver and offer benefit packages other than Plans A, B, C, D, F, F with High Deductible, G, K, L, M and N, the references to benefit packages above are deemed references to comparable benefit packages offered in that state. Those states should amend the language accordingly.

F. Notification provisions.

(1) At the time of an event described in Subsection B of this section because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy, or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the administrator of the plan being terminated, respectively, shall notify the individual of his or her rights under this section, and of the obligations of issuers of Medicare supplement policies under Subsection A. Such notice shall be communicated contemporaneously with the notification of termination.

(2) At the time of an event described in Subsection B of this section because of which an individual ceases enrollment under a contract or agreement, policy, or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of his or her rights under this section, and of the obligations of issuers of Medicare supplement policies under Section 12A. Such notice shall be communicated within ten working days of the issuer receiving notification of disenrollment.

Drafting Note: States should ensure that educational and public information materials it develops related to Medicare includes a thorough description of the rights outlined in Section 12F.

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Section 13. Standards for Claims Payment

A. An issuer shall comply with Section 1882(c)(3) of the Social Security Act (as enacted by Section 4081(b)(2)(C) of the Omnibus Budget Reconciliation Act of 1987 (OBRA) 1987, Pub. L. No. 100-203) by:

(1) Accepting a notice from a Medicare carrier on dually assigned claims submitted by participating physicians and suppliers as a claim for benefits in place of any other claim form otherwise required and making a payment determination on the basis of the information contained in that notice;

(2) Notifying the participating physician or supplier and the beneficiary of the payment determination;

(3) Paying the participating physician or supplier directly;

(4) Furnishing, at the time of enrollment, each enrollee with a card listing the policy name, number and a central mailing address to which notices from a Medicare carrier may be sent;

(5) Paying user fees for claim notices that are transmitted electronically or otherwise; and

(6) Providing to the Secretary of Health and Human Services, at least annually, a central mailing address to which all claims may be sent by Medicare carriers.

B. Compliance with the requirements set forth in Subsection A above shall be certified on the Medicare supplement insurance experience reporting form.

Section 14. Loss Ratio Standards and Refund or Credit of Premium

A. Loss Ratio Standards.

(1) (a) A Medicare Supplement policy form or certificate form shall not be delivered or issued for delivery unless the policy form or certificate form can be expected, as estimated for the entire period for which rates are computed to provide coverage, to return to policyholders and certificate holders in the form of aggregate benefits (not including anticipated refunds or credits) provided under the policy form or certificate form:

(i) At least seventy-five percent (75%) of the aggregate amount of premiums earned in the case of group policies; or

(ii) At least sixty-five percent (65%) of the aggregate amount of premiums earned in the case of individual policies;

(b) Calculated on the basis of incurred claims experience or incurred health care expenses where coverage is provided by a health maintenance organization on a service rather than reimbursement basis and earned premiums for the period and in accordance with accepted actuarial principles and practices. Incurred health care

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expenses where coverage is provided by a health maintenance organization shall not include:

(i) Home office and overhead costs;

(ii) Advertising costs;

(iii) Commissions and other acquisition costs;

(iv) Taxes;

(v) Capital costs;

(vi) Administrative costs; and

(vii) Claims processing costs.

(2) All filings of rates and rating schedules shall demonstrate that expected claims in relation to premiums comply with the requirements of this section when combined with actual experience to date. Filings of rate revisions shall also demonstrate that the anticipated loss ratio over the entire future period for which the revised rates are computed to provide coverage can be expected to meet the appropriate loss ratio standards.

(3) For purposes of applying Subsection A(1) of this section and Subsection C(3) of Section 15 only, policies issued as a result of solicitations of individuals through the mails or by mass media advertising (including both print and broadcast advertising) shall be deemed to be individual policies.

Drafting Note: Subsection A(3) replicates language contained in the Omnibus Budget Reconciliation Act of 1990 (Pub. L. No. 101-508). It allows direct mail group policies sold on an individual basis to meet the minimum loss ratio required of individual business (65%) rather than that required of group business (75%). The NAIC eliminated this concept from this regulation in 1987 (*Proceedings of the NAIC*, pp. 651, 673 (1988)). At that time, NAIC required direct mail group business to meet the same loss ratio requirement as other group business, regardless of whether the business was sold on an individual basis. The NAIC encourages states to apply the 75% loss ratio to all group business. Although NAIC is restricted from making revisions to its models that are not in conformance with OBRA 1990, states are free to impose more stringent requirements than OBRA.

(4) For policies issued prior to [insert effective date from Section 26 of this model, the effective date of the state's regulation implementing the requirements of OBRA 1990], expected claims in relation to premiums shall meet:

(a) The originally filed anticipated loss ratio when combined with the actual experience since inception;

(b) The appropriate loss ratio requirement from Subsection A(1)(a)(i) and (ii) when combined with actual experience beginning with [insert effective date of this revision] to date; and

(c) The appropriate loss ratio requirement from Subsection A(1)(a)(i) and (ii) over the entire future period for which the rates are computed to provide coverage.

Drafting Note: The appropriate loss ratio requirement from Subsection A(1)(a)(i) and (ii) for all group policies subject to an individual loss ratio standard when issued is 65 percent. States may amend Section 13A(4) to permit or require aggregation of closed blocks of business upon approval of CMS.

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B. Refund or Credit Calculation.

(1) An issuer shall collect and file with the commissioner by May 31 of each year the data contained in the applicable reporting form contained in Appendix A for each type in a standard Medicare supplement benefit plan.

(2) If on the basis of the experience as reported the benchmark ratio since inception (ratio 1) exceeds the adjusted experience ratio since inception (ratio 3), then a refund or credit calculation is required. The refund calculation shall be done on a statewide basis for each type in a standard Medicare supplement benefit plan. For purposes of the refund or credit calculation, experience on policies issued within the reporting year shall be excluded.

(3) For the purposes of this section, policies or certificates issued prior to [insert effective date from Section 26 of this model, the effective date of the states regulation implementing the requirements of OBRA 1990], the issuer shall make the refund or credit calculation separately for all individual policies (including all group policies subject to an individual loss ratio standard when issued) combined and all other group policies combined for experience after the [insert effective date of this amendment]. The first report shall be due by May 31, [insert (effective year + 2) of this amendment].

Drafting Note: Subsection B(3) implements the requirements of Section 171 of the Social Security Act Amendments of 1994 that require a refund or credit calculation for pre-standardized Medicare supplement policies, but only for experience subsequent to the date the state amends its regulation.

(4) A refund or credit shall be made only when the benchmark loss ratio exceeds the adjusted experience loss ratio and the amount to be refunded or credited exceeds a *de minimis* level. The refund shall include interest from the end of the calendar year to the date of the refund or credit at a rate specified by the Secretary of Health and Human Services, but in no event shall it be less than the average rate of interest for thirteen-week Treasury notes. A refund or credit against premiums due shall be made by September 30 following the experience year upon which the refund or credit is based.

C. Annual filing of Premium Rates. An issuer of Medicare supplement policies and certificates issued before or after the effective date of [insert citation to state's regulation] in this state shall file annually its rates, rating schedule and supporting documentation including ratios of incurred losses to earned premiums by policy duration for approval by the commissioner in accordance with the filing requirements and procedures prescribed by the commissioner. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude active life reserves. An expected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three (3) years. As soon as practicable, but prior to the effective date of enhancements in Medicare benefits, every issuer of Medicare supplement policies or certificates in this state shall file with the commissioner, in accordance with the applicable filing procedures of this state:

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(1) (a) Appropriate premium adjustments necessary to produce loss ratios as anticipated for the current premium for the applicable policies or certificates. The supporting documents necessary to justify the adjustment shall accompany the filing.

(b) An issuer shall make premium adjustments necessary to produce an expected loss ratio under the policy or certificate to conform to minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the issuer for the Medicare supplement policies or certificates. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein shall be made with respect to a policy at any time other than upon its renewal date or anniversary date.

(c) If an issuer fails to make premium adjustments acceptable to the commissioner, the commissioner may order premium adjustments, refunds or premium credits deemed necessary to achieve the loss ratio required by this section.

(2) Any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement policy or certificate modifications necessary to eliminate benefit duplications with Medicare. The riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or certificate.

D. Public Hearings. The commissioner may conduct a public hearing to gather information concerning a request by an issuer for an increase in a rate for a policy form or certificate form issued before or after the effective date of [insert citation to state's regulation] if the experience of the form for the previous reporting period is not in compliance with the applicable loss ratio standard. The determination of compliance is made without consideration of any refund or credit for the reporting period. Public notice of the hearing shall be furnished in a manner deemed appropriate by the commissioner.

Drafting Note: This section does not in any way restrict a commissioner's statutory authority, elsewhere granted, to approve or disapprove rates.

Section 15. Filing and Approval of Policies and Certificates and Premium Rates

A. An issuer shall not deliver or issue for delivery a policy or certificate to a resident of this state unless the policy form or certificate form has been filed with and approved by the commissioner in accordance with filing requirements and procedures prescribed by the commissioner.

B. An issuer shall file any riders or amendments to policy or certificate forms to delete outpatient prescription drug benefits as required by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 only with the commissioner in the state in which the policy or certificate was issued.

C. An issuer shall not use or change premium rates for a Medicare supplement policy or certificate unless the rates, rating schedule and supporting documentation have been filed with and approved by the commissioner in accordance with the filing

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requirements and procedures prescribed by the commissioner.

D. (1) Except as provided in Paragraph (2) of this subsection, an issuer shall not file for approval more than one form of a policy or certificate of each type for each standard Medicare supplement benefit plan.

(2) An issuer may offer, with the approval of the commissioner, up to four (4) additional policy forms or certificate forms of the same type for the same standard Medicare supplement benefit plan, one for each of the following cases:

(a) The inclusion of new or innovative benefits;

(b) The addition of either direct response or agent marketing methods;

(c) The addition of either guaranteed issue or underwritten coverage;

(d) The offering of coverage to individuals eligible for Medicare by reason of disability.

(3) For the purposes of this section, a "type" means an individual policy, a group policy, an individual Medicare Select policy, or a group Medicare Select policy.

Drafting Note: As a result of MMA, issuers now may have H, I, and J (including J with a high deductible) both with and without outpatient prescription drug coverage. The language in Subsection D is flexible enough to allow the issuer and regulator to incorporate this factor to allow for additional policy forms.

Drafting Note: The filing of 2010 Standardized plans policy forms to take the place of 1990 Standardized plans policy forms prior to the actual withdrawal of the 1990 standardized plans policy forms should be permitted.

E. (1) Except as provided in Paragraph (1)(a), an issuer shall continue to make available for purchase any policy form or certificate form issued after the effective date of this regulation that has been approved by the commissioner. A policy form or certificate form shall not be considered to be available for purchase unless the issuer has actively offered it for sale in the previous twelve (12) months.

(a) An issuer may discontinue the availability of a policy form or certificate form if the issuer provides to the commissioner in writing its decision at least thirty (30) days prior to discontinuing the availability of the form of the policy or certificate. After receipt of the notice by the commissioner, the issuer shall no longer offer for sale the policy form or certificate form in this state.

(b) An issuer that discontinues the availability of a policy form or certificate form pursuant to Subparagraph (a) shall not file for approval a new policy form or certificate form of the same type for the same standard Medicare supplement benefit plan as the discontinued form for a period of five (5) years after the issuer provides notice to the commissioner of the discontinuance. The period of discontinuance may be reduced if the commissioner determines that a shorter period is appropriate.

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(2) The sale or other transfer of Medicare supplement business to another issuer shall be considered a discontinuance for the purposes of this subsection.

(3) A change in the rating structure or methodology shall be considered discontinuance under Paragraph (1) unless the issuer complies with the following requirements:

(a) The issuer provides an actuarial memorandum, in a form and manner prescribed by the commissioner, describing the manner in which the revised rating methodology and resultant rates differ from the existing rating methodology and existing rates.

(b) The issuer does not subsequently put into effect a change of rates or rating factors that would cause the percentage differential between the discontinued and subsequent rates as described in the actuarial memorandum to change. The commissioner may approve a change to the differential that is in the public interest.

F. (1) Except as provided in Paragraph (2), the experience of all policy forms or certificate forms of the same type in a standard Medicare supplement benefit plan shall be combined for purposes of the refund or credit calculation prescribed in [insert citation to Section 14 of NAIC Medicare Supplement Insurance Model Regulation].

(2) Forms assumed under an assumption reinsurance agreement shall not be combined with the experience of other forms for purposes of the refund or credit calculation.

Drafting Note: It has come to the attention of the NAIC that the use of attained age rating in the determination of rates in Medicare supplement policies may result in situations to which a regulatory response is desirable. States should assess their Medicare supplement marketplace to determine whether a regulatory response is needed. The following provisions may be included as a new subsection to Section 15. The first option prohibits insurers from attained age rating as a methodology for setting rates. The second option does not prohibit the use of attained age rating but requires Medicare supplement insurers who do use attained age rating as a rate setting methodology to apply the age component to its rates annually. The effective date of the regulation should provide sufficient time for insurers to re-rate approved policy forms in accordance with Section 15A and for the insurance department to approve (according to its rate filing practices and procedures), such re-ratings prior to the effective date of the regulation.

Option 1.

G. An issuer shall not present for filing or approval a rate structure for its Medicare supplement policies or certificates issued after the effective date of the amendment of this regulation based upon attained age rating as a structure or methodology.

Option 2.

G. An issuer shall not present for filing or approval a rate structure for its Medicare supplement policies or certificates issued after the effective date of the amendment of this regulation based upon a structure or methodology with any groupings of attained ages greater than one year. The ratio between rates for successive ages shall increase smoothly as age increases.

Drafting Note: State insurance regulators are encouraged to consider whether it is necessary to require issuers to file new forms where the only changes in the forms reflect year-to-year modifications in Medicare deductible and coinsurance amounts.

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Section 16. Permitted Compensation Arrangements

A. An issuer or other entity may provide commission or other compensation to an agent or other representative for the sale of a Medicare supplement policy or certificate only if the first year commission or other first year compensation is no more than 200 percent of the commission or other compensation paid for selling or servicing the policy or certificate in the second year or period.

B. The commission or other compensation provided in subsequent (renewal) years must be the same as that provided in the second year or period and must be provided for no fewer than five (5) renewal years.

C. No issuer or other entity shall provide compensation to its agents or other producers and no agent or producer shall receive compensation greater than the renewal compensation payable by the replacing issuer on renewal policies or certificates if an existing policy or certificate is replaced.

D. For purposes of this section, "compensation" includes pecuniary or non-pecuniary remuneration of any kind relating to the sale or renewal of the policy or certificate including but not limited to bonuses, gifts, prizes, awards and finders fees.

Section 17. Required Disclosure Provisions

A. General Rules.

(1) Medicare supplement policies and certificates shall include a renewal or continuation provision. The language or specifications of the provision shall be consistent with the type of contract issued. The provision shall be appropriately captioned and shall appear on the first page of the policy, and shall include any reservation by the issuer of the right to change premiums and any automatic renewal premium increases based on the policyholder's age.

(2) Except for riders or endorsements by which the issuer effectuates a request made in writing by the insured, exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require a signed acceptance by the insured. After the date of policy or certificate issue, any rider or endorsement which increases benefits or coverage with a concomitant increase in premium during the policy term shall be agreed to in writing signed by the insured, unless the benefits are required by the minimum standards for Medicare supplement policies, or if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, the premium charge shall be set forth in the policy.

(3) Medicare supplement policies or certificates shall not provide for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import.

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(4) If a Medicare supplement policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy and be labeled as "Preexisting Condition Limitations."

(5) Medicare supplement policies and certificates shall have a notice prominently printed on the first page of the policy or certificate or attached thereto stating in substance that the policyholder or certificate holder shall have the right to return the policy or certificate within thirty (30) days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the insured person is not satisfied for any reason.

(6) (a) Issuers of accident and sickness policies or certificates which provide hospital or medical expense coverage on an expense incurred or indemnity basis to persons eligible for Medicare shall provide to those applicants a *Guide to Health Insurance for People with Medicare* in the form developed jointly by the National Association of Insurance Commissioners and CMS and in a type size no smaller than 12 point type. Delivery of the *Guide* shall be made whether or not the policies or certificates are advertised, solicited or issued as Medicare supplement policies or certificates as defined in this regulation. Except in the case of direct response issuers, delivery of the *Guide* shall be made to the applicant at the time of application and acknowledgement of receipt of the *Guide* shall be obtained by the issuer. Direct response issuers shall deliver the *Guide* to the applicant upon request but not later than at the time the policy is delivered.

(b) For the purposes of this section, "form" means the language, format, type size, type proportional spacing, bold character, and line spacing.

B. Notice Requirements.

(1) As soon as practicable, but no later than thirty (30) days prior to the annual effective date of any Medicare benefit changes, an issuer shall notify its policyholders and certificate holders of modifications it has made to Medicare supplement insurance policies or certificates in a format acceptable to the commissioner. The notice shall:

(a) Include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement policy or certificate, and

(b) Inform each policyholder or certificate holder as to when any premium adjustment is to be made due to changes in Medicare.

(2) The notice of benefit modifications and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension.

(3) The notices shall not contain or be accompanied by any solicitation.

C. MMA Notice Requirements. Issuers shall comply with any notice requirements of the Medicare Prescription Drug, Improvement and Modernization Act of 2003.

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D. Outline of Coverage Requirements for Medicare Supplement Policies.

(1) Issuers shall provide an outline of coverage to all applicants at the time application is presented to the prospective applicant and, except for direct response policies, shall obtain an acknowledgement of receipt of the outline from the applicant; and

(2) If an outline of coverage is provided at the time of application and the Medicare supplement policy or certificate is issued on a basis which would require revision of the outline, a substitute outline of coverage properly describing the policy or certificate shall accompany the policy or certificate when it is delivered and contain the following statement, in no less than twelve (12) point type, immediately above the company name:

NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the coverage originally applied for has not been issued."

(3) The outline of coverage provided to applicants pursuant to this section consists of four parts: a cover page, premium information, disclosure pages, and charts displaying the features of each benefit plan offered by the issuer. The outline of coverage shall be in the language and format prescribed below in no less than twelve (12) point type. All plans shall be shown on the cover page, and the plans that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall be prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.

(4) The following items shall be included in the outline of coverage in the order prescribed below.

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Benefit Chart of Medicare Supplement Plans Sold on or After June 1, 2010

This chart shows the benefits included in each of the standard Medicare supplement plans. Every company must make Plan "A" available. Some plans may not be available in your state.

Basic Benefits:

- **Hospitalization** –Part A coinsurance plus coverage for 365 additional days after Medicare benefits end.
- **Medical Expenses** –Part B coinsurance (generally 20% of Medicare-approved expenses) or co-payments for hospital outpatient services. Plans K, L and N require insureds to pay a portion of Part B coinsurance or co-payments.
- **Blood** –First three pints of blood each year.
- **Hospice**— Part A coinsurance

A	B	C	D	F	F*	G
Basic, including 100% Part B coinsurance	Basic, including 100% Part B coinsurance	Basic, including 100% Part B coinsurance	Basic, including 100% Part B coinsurance	Basic, including 100% Part B coinsurance*		Basic, including 100% Part B coinsurance
		Skilled Nursing Facility Coinsurance	Skilled Nursing Facility Coinsurance	Skilled Nursing Facility Coinsurance		Skilled Nursing Facility Coinsurance
	Part A Deductible	Part A Deductible	Part A Deductible	Part A Deductible		Part A Deductible
		Part B Deductible		Part B Deductible		
				Part B Excess (100%)		Part B Excess (100%)
		Foreign Travel Emergency	Foreign Travel Emergency	Foreign Travel Emergency		Foreign Travel Emergency

K	L	M	N
Hospitalization and preventive care paid at 100%; other basic benefits paid at 50%	Hospitalization and preventive care paid at 100%; other basic benefits paid at 75%	Basic, including 100% Part B coinsurance	Basic, including 100% Part B coinsurance, except up to $20 copayment for office visit, and up to $50 copayment for ER
50% Skilled Nursing Facility Coinsurance	75% Skilled Nursing Facility Coinsurance	Skilled Nursing Facility Coinsurance	Skilled Nursing Facility Coinsurance
50% Part A Deductible	75% Part A Deductible	50% Part A Deductible	Part A Deductible
		Foreign Travel Emergency	Foreign Travel Emergency
Out-of-pocket limit $[4940]; paid at 100% after limit reached	Out-of-pocket limit $[2470]; paid at 100% after limit reached		

***Plan F also has an option called a high deductible plan F. This high deductible plan pays the same benefits as Plan F after one has paid a calendar year [$2180] deductible. Benefits from high deductible plan F will not begin until out-of-pocket expenses exceed [$2180]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. These expenses include the Medicare deductibles for Part A and Part B, but do not include the plan's separate foreign travel emergency deductible.**

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PREMIUM INFORMATION [Boldface Type]

We [insert issuer's name] can only raise your premium if we raise the premium for all policies like yours in this State. [If the premium is based on the increasing age of the insured, include information specifying when premiums will change.]

READ YOUR POLICY VERY CAREFULLY [Boldface Type]

This is only an outline describing your policy's most important features. The policy is your insurance contract. You must read the policy itself to understand all of the rights and duties of both you and your insurance company.

RIGHT TO RETURN POLICY [Boldface Type]

If you find that you are not satisfied with your policy, you may return it to [insert issuer's address]. If you send the policy back to us within 30 days after you receive it, we will treat the policy as if it had never been issued and return all of your payments.

POLICY REPLACEMENT [Boldface Type]

If you are replacing another health insurance policy, do NOT cancel it until you have actually received your new policy and are sure you want to keep it.

NOTICE [Boldface Type]

This policy may not fully cover all of your medical costs.

[for agents:]
Neither [insert company's name] nor its agents are connected with Medicare.

[for direct response:]
[insert company's name] is not connected with Medicare.

This outline of coverage does not give all the details of Medicare coverage. Contact your local Social Security Office or consult *Medicare and You* for more details.

COMPLETE ANSWERS ARE VERY IMPORTANT [Boldface Type]

When you fill out the application for the new policy, be sure to answer truthfully and completely all questions about your medical and health history. The company may cancel your policy and refuse to pay any claims if you leave out or falsify important medical information. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Review the application carefully before you sign it. Be certain that all information has been properly recorded.

[Include for each plan prominently identified in the cover page, a chart showing the services, Medicare payments, plan payments and insured payments for each plan, using the same language, in the same order, using uniform layout and format as shown in the charts below. No more than four plans may be shown on one chart. For purposes of illustration, charts for each plan are included in this regulation. An issuer may use additional benefit plan designations on these charts pursuant to Section 9.1D of this regulation.]

[Include an explanation of any innovative benefits on the cover page and in the chart, in a manner approved by the commissioner.]

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Benefit Chart of Medicare Supplement Plans Sold on or after January 1, 2020

This chart shows the benefits included in each of the standard Medicare supplement plans. Some plans may not be available. Only applicants' **first** eligible for Medicare before 2020 may purchase Plans C, F, and high deductible F.

Note: A ✔means 100% of the benefit is paid.

Benefits	Plans Available to All Applicants								Medicare first eligible before	
	A	B	D	G[1]	K	L	M	N	C	F[1]
Medicare Part A coinsurance and hospital coverage (up to an additional 365 days after Medicare benefits are used up)	✔	✔	✔	✔	✔	✔	✔	✔	✔	✔
Medicare Part B coinsurance or Copayment	✔	✔	✔	✔	50%	75%	✔	✔ copays apply[3]	✔	✔
Blood (first three pints)	✔	✔	✔	✔	50%	75%	✔	✔	✔	✔
Part A hospice care coinsurance or copayment	✔	✔	✔	✔	50%	75%	✔	✔	✔	✔
Skilled nursing facility coinsurance			✔	✔	50%	75%	✔	✔	✔	✔
Medicare Part A deductible		✔	✔	✔	50%	75%	50%	✔	✔	✔
Medicare Part B deductible									✔	✔
Medicare Part B excess charges				✔						✔
Foreign travel emergency (up to plan limits)			✔	✔			✔	✔	✔	✔
Out-of-pocket limit in [2016][2]					[$4,960][2]	[$2,480][2]				

[1] Plans F and G also have a high deductible option which require first paying a plan deductible of [$2180] before the plan begins to pay. Once the plan deductible is met, the plan pays 100% of covered services for the rest of the calendar year. High deductible plan G does not cover the Medicare Part B deductible. However, high deductible plans F and G count your payment of the Medicare Part B deductible toward meeting the plan deductible.

[2] Plans K and L pay 100% of covered services for the rest of the calendar year once you meet the out-of-pocket yearly limit.

[3] Plan N pays 100% of the Part B coinsurance, except for a co-payment of up to $20 for some office visits and up to a $50 co-payment for emergency room visits that do not result in an inpatient admission.

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Model Regulation to Implement the NAIC Medicare Supplement
Insurance Minimum Standards Model Act

PLAN A

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[1260]	$0	$[1260] (Part A deductible)
61st thru 90th day	All but $[315] a day	$[315] a day	$0
91st day and after:			
– While using 60 lifetime reserve days	All but $[630] a day	$[630] a day	$0
– Once lifetime reserve days are used:			
— Additional 365 days	$0	100% of Medicare eligible expenses	$0**
— Beyond the additional 365 days	$0	$0	All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[157.50] a day	$0	Up to $[157.50] a day
101st day and after	$0	$0	All costs

651-56

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PLAN A

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD (cont.)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
HOSPICE CARE			
You must meet Medicare's requirements, including a doctor's certification of terminal illness.	All but very limited co-payment/ coinsurance for out-patient drugs and inpatient respite care	Medicare co-payment/ coinsurance	$0

** **NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

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PLAN A

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

* Once you have been billed $[147] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs
BLOOD			
First 3 pints	$0	All costs	$0
Next $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

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PLAN A

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
Medically necessary skilled care services and medical supplies	100%	$0	$0
Durable medical equipment			
- First $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
- Remainder of Medicare Approved Amounts	80%	20%	$0

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Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act

PLAN B

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[1260]	$[1260] (Part A deductible)	$0
61st thru 90th day	All but $[315] a day	$[315] a day	$0
91st day and after:			
—While using 60 lifetime reserve days	All but $[630] a day	$[630] a day	$0
—Once lifetime reserve days are used:			
—Additional 365 days	$0	100% of Medicare eligible expenses	$0**
—Beyond the additional 365 days	$0	$0	All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[157.50] a day	$0	Up to $[157.50] a day
101st day and after	$0	$0	All costs

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PLAN B

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD (cont.)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited co-payment/ coinsurance for out-patient drugs and inpatient respite care	Medicare co-payment/ coinsurance	$0

** **NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

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Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act

PLAN B

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

* Once you have been billed $[147] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs
BLOOD			
First 3 pints	$0	All costs	$0
Next $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

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PLAN B

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
Medically necessary skilled care services and medical supplies	100%	$0	$0
Durable medical equipment			
-First $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
-Remainder of Medicare Approved Amounts	80%	20%	$0

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PLAN C

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[1260]	$[1260] (Part A deductible)	$0
61st thru 90th day	All but $[315] a day	$[315] a day	$0
91st day and after:			
– While using 60 lifetime reserve days	All but $[630] a day	$[630] a day	$0
– Once lifetime reserve days are used:			
— Additional 365 days	$0	100% of Medicare eligible expenses	$0**
— Beyond the additional 365 days	$0	$0	All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[157.50] a day	Up to $[157.50] a day	$0
101st day and after	$0	$0	All costs

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PLAN C

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD (cont.)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited co-payment/ coinsurance for out-patient drugs and inpatient respite care	Medicare co-payment/ coinsurance	$0

** **NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

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PLAN C

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

* Once you have been billed $[147] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First $[147] of Medicare Approved Amounts*	$0	$[147] (Part B deductible)	$0
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs
BLOOD			
First 3 pints	$0	All costs	$0
Next $[147] of Medicare Approved Amounts*	$0	$[147] (Part B deductible)	$0
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

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PLAN C

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
Medically necessary skilled care services and medical supplies	100%	$0	$0
Durable medical equipment			
-First $[147] of Medicare Approved Amounts*	$0	$[147] (Part B deductible)	$0
-Remainder of Medicare Approved Amounts	80%	20%	$0

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PLAN C

OTHER BENEFITS—NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL— NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First $250 each calendar year	$0	$0	$250
Remainder of Charges	$0	80% to a lifetime maximum benefit of $50,000	20% and amounts over the $50,000 lifetime maximum

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PLAN D

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[1260]	$[1260] (Part A deductible)	$0
61st thru 90th day	All but $[315] a day	$[315] a day	$0
91st day and after:			
– While using 60 lifetime reserve days	All but $[630] a day	$[630] a day	$0
– Once lifetime reserve days are used:			
—– Additional 365 days	$0	100% of Medicare eligible expenses	$0**
—– Beyond the additional 365 days	$0	$0	All costs
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[157.50] a day	Up to $[157.50] a day	$0
101st day and after	$0	$0	All costs

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PLAN D

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD (cont.)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited co-payment/ coinsurance for out-patient drugs and inpatient respite care	Medicare co-payment/ coinsurance	$0

** NOTICE: When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

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PLAN D

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

* Once you have been billed $[147] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs
BLOOD			
First 3 pints	$0	All costs	$0
Next $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

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PLAN D

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
Medically necessary skilled care services and medical supplies	100%	$0	$0
Durable medical equipment			
-First $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
-Remainder of Medicare Approved Amounts	80%	20%	$0

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PLAN D

OTHER BENEFITS—NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL—NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First $250 each calendar year	$0	$0	$250
Remainder of charges	$0	80% to a lifetime maximum benefit of $50,000	20% and amounts over the $50,000 lifetime maximum

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PLAN F or HIGH DEDUCTIBLE PLAN F

MEDICARE (PART A) – HOSPITAL SERVICES – PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

[**This high deductible plan pays the same benefits as Plan F after you have paid a calendar year [$2180] deductible. Benefits from the high deductible plan F will not begin until out-of-pocket expenses are [$2180]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY $[2180] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO $[2180] DEDUCTIBLE,**] YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[1260]	$[1260] (Part A deductible)	$0
61st thru 90th day	All but $[315] a day	$[315] a day	$0
91st day and after:			
– While using 60 lifetime reserve days	All but $[630] a day	$[630] a day	$0
– Once lifetime reserve days are used:			
– Additional 365 days	$0	100% of Medicare eligible expenses	$0***
– Beyond the additional 365 days	$0	$0	All costs

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PLAN F or HIGH DEDUCTIBLE PLAN F

MEDICARE (PART A) – HOSPITAL SERVICES – PER BENEFIT PERIOD (cont.)

SERVICES	MEDICARE PAYS	[AFTER YOU PAY $[2180] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO $[2180] DEDUCTIBLE,**] YOU PAY
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[157.50] a day	Up to $[157.50] a day	$0
101st day and after	$0	$0	All costs
BLOOD First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited co-payment/ coinsurance for out-patient drugs and inpatient respite care	Medicare co-payment/ coinsurance	$0

*** **NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

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PLAN F or HIGH DEDUCTIBLE PLAN F

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed $[147] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

[** This high deductible plan pays the same benefits as Plan F after you have paid a calendar year [$2180] deductible. Benefits from the high deductible plan F will not begin until out-of-pocket expenses are [$2180]. Out-of-pocket expenses for this deductible are expenses that would ordinarily be paid by the policy. This includes the Medicare deductibles for Part A and Part B, but does not include the plan's separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY $[2180] DEDUCTIBLE,*] PLAN PAYS	[IN ADDITION TO $[2180] DEDUCTIBLE,**] YOU PAY
MEDICAL EXPENSES IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First $[147] of Medicare Approved Amounts*	$0	$[147] (Part B deductible)	$0
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	$0
Part B excess charges (Above Medicare Approved Amounts)	$0	100%	$0

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PLAN F or HIGH DEDUCTIBLE PLAN F

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR (cont.)

SERVICES	MEDICARE PAYS	[AFTER YOU PAY $[2180] DEDUCTIBLE,*] PLAN PAYS	[IN ADDITION TO $[2180] DEDUCTIBLE,**] YOU PAY
BLOOD			
First 3 pints	$0	All costs	$0
Next $[147] of Medicare Approved Amounts*	$0	$[147] (Part B deductible)	$0
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

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PLAN F or HIGH DEDUCTIBLE PLAN F

PARTS A & B

SERVICES	MEDICARE PAYS	[AFTER YOU PAY $[2180] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO $[2180] DEDUCTIBLE,**] YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
Medically necessary skilled care services and medical supplies	100%	$0	$0
Durable medical equipment			
-First $[147] of Medicare Approved Amounts*	$0	$[147] (Part B deductible)	$0
-Remainder of Medicare — Approved Amounts	80%	20%	$0

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PLAN F or HIGH DEDUCTIBLE PLAN F

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	[AFTER YOU PAY $[2180] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO $[2180] DEDUCTIBLE,**] YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First $250 each calendar year	$0	$0	$250
Remainder of charges	$0	80% to a lifetime maximum benefit of $50,000	20% and amounts over the $50,000 lifetime maximum

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Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act

PLAN G or HIGH DEDUCTIBLE PLAN G

MEDICARE (PART A) – HOSPITAL SERVICES – PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

[**This high deductible plan pays the same benefits as Plan G after you have paid a calendar year [$2180] deductible. Benefits from the high deductible plan G will not begin until out-of-pocket expenses are [$2180]. Out-of-pocket expenses for this deductible include expenses for the Medicare Part B deductible, and expenses that would ordinarily be paid by the policy. This does not include the plan's separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY $[2180] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO $[2180] DEDUCTIBLE,**] YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[1288]	$[1288] (Part A deductible)	$0
61st thru 90th day	All but $[322] a day	$[322] a day	$0
91st day and after:			
— While using 60 lifetime reserve days	All but $[644] a day	$[644] a day	$0
— Once lifetime reserve days are used:			
— Additional 365 days	$0	100% of Medicare eligible expenses	$0***
— Beyond the additional 365 days	$0	$0	All costs

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PLAN G or HIGH DEDUCTIBLE PLAN G

MEDICARE (PART A) – HOSPITAL SERVICES – PER BENEFIT PERIOD (cont.)

SERVICES	MEDICARE PAYS	[AFTER YOU PAY $[2180] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO $[2180] DEDUCTIBLE,**] YOU PAY
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare- approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[161] a day	Up to $[161] a day	$0
101st day and after	$0	$0	All costs
BLOOD First 3 pints	$0 100%	3 pints	$0
Additional amounts		$0	$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness.	All but very limited co-payment/coinsurance for out- patient drugs and inpatient respite care	Medicare co- payment/ coinsurance	$0

*** **NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

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PLAN G or HIGH DEDUCTIBLE PLAN G

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR

*Once you have been billed $[166] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

[**This high deductible plan pays the same benefits as Plan G after you have paid a calendar year [$2180] deductible. Benefits from the high deductible plan G will not begin until out-of-pocket expenses are [$2180]. Out-of-pocket expenses for this deductible include expenses for the Medicare Part B deductible, and expenses that would ordinarily be paid by the policy. This does not include the plan's separate foreign travel emergency deductible.]

SERVICES	MEDICARE PAYS	[AFTER YOU PAY $[2180] DEDUCTIBLE,**] PLAN PAYS	[IN ADDITION TO $[2180] DEDUCTIBLE,**] YOU PAY
MEDICAL EXPENSES—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First $[166] of Medicare Approved Amounts*	$0	$0	$166 (Unless Part B deductible has been met)
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	100%	$0

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PLAN G or HIGH DEDUCTIBLE PLAN G

MEDICARE (PART B) - MEDICAL SERVICES - PER CALENDAR YEAR (cont.)

SERVICES	MEDICARE PAYS	[AFTER YOU PAY $[2180] DEDUCTIBLE,* *] PLAN PAYS	[IN ADDITION TO $[2180] DEDUCTIBLE,**] YOU PAY
BLOOD			
First 3 pints	$0	All costs	$0
Next $[166] of Medicare Approved Amounts*	$0	$0	$166 (Unless Part B deductible has been met)
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

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PLAN G or HIGH DEDUCTIBLE PLAN G

PARTS A & B

SERVICES	MEDICARE PAYS	[AFTER YOU PAY $[2180] DEDUCTIBLE,]** PLAN PAYS	[IN ADDITION TO $[2180] DEDUCTIBLE,]** YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
Medically necessary skilled care services and medical supplies	100%	$0	$0
Durable medical equipment			
- First $[166] of Medicare Approved Amounts*	$0	$0	$166 (Unless Part B deductible has been met)
- Remainder of Medicare Approved Amounts	80%	20%	$0

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PLAN G or HIGH DEDUCTIBLE PLAN G

OTHER BENEFITS - NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	[AFTER YOU PAY $[2180] DEDUCTIBLE,]** PLAN PAYS	[IN ADDITION TO $[2180] DEDUCTIBLE,]** YOU PAY
FOREIGN TRAVEL - NOT COVERED BY MEDICARE Medically necessary Emergency care services Beginning during the first 60 days of each trip outside the USA			
First $250 each calendar year	$0	$0	$250
Remainder of charges	$0	80% to a lifetime maximum benefit of $50,000	20% and amounts over the $50,000 lifetime maximum

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PLAN K

* You will pay half the cost-sharing of some covered services until you reach the annual out-of-pocket limit of $[4940] each calendar year. The amounts that count toward your annual limit are noted with diamonds (♦) in the chart below. Once you reach the annual limit, the plan pays 100% of your Medicare co-payment and coinsurance for the rest of the calendar year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

** A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOSPITALIZATION** Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[1260]	$[630](50% of Part A deductible)	$[630](50% of Part A deductible)♦
61st thru 90th day	All but $[315] a day	$[315] a day	$0
91st day and after:			
– While using 60 lifetime reserve days	All but $[630] a day	$[630] a day	$0
– Once lifetime reserve days are used:			
— Additional 365 days	$0	100% of Medicare eligible expenses	$0***
— Beyond the additional 365 days	$0	$0	All costs

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PLAN K

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD (cont.)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
SKILLED NURSING FACILITY CARE** You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts.	$0	$0
21st thru 100th day	All but $[157.50] a day	Up to $[78.75] a day (50% of Part A Coinsurance)	Up to $[78.75] a day (50% of Part A Coinsurance) ♦
101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	50%	50%♦
Additional amounts	100%	$0	$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited co-payment/ coinsurance for outpatient drugs and inpatient respite care	50% of co-payment/ coinsurance	50% of Medicare co-payment/coinsurance ♦

*** **NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

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PLAN K

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

* Once you have been billed $[147] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
MEDICAL EXPENSES—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First $[147] of Medicare Approved Amounts****	$0	$0	$[147] (Part B deductible)**** ♦
Preventive Benefits for Medicare covered services	Generally 80% or more of Medicare Approved Amounts	Remainder of Medicare Approved Amounts	All costs above Medicare Approved Amounts
Remainder of Medicare Approved Amounts	Generally 80%	Generally 10%	Generally 10% ♦
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs (and they do not count toward annual out-of-pocket limit of [$4940])*
BLOOD			
First 3 pints	$0	50%	50%♦
Next $[147] of Medicare Approved Amounts****	$0	$0	$[147] (Part B deductible)**** ♦
Remainder of Medicare Approved Amounts	Generally 80%	Generally 10%	Generally 10% ♦
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

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* This plan limits your annual out-of-pocket payments for Medicare-approved amounts to $[4940] per year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

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Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act

PLAN K

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
Medically necessary skilled care services and medical supplies	100%	$0	$0
Durable medical equipment			
-First $[147] of Medicare Approved Amounts*****	$0	$0	$[147] (Part B deductible) ♦
-Remainder of Medicare Approved Amounts	80%	10%	10%♦

*****Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People with Medicare.*

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PLAN L

* You will pay one-fourth of the cost-sharing of some covered services until you reach the annual out-of-pocket limit of $[2470] each calendar year. The amounts that count toward your annual limit are noted with diamonds (♦) in the chart below. Once you reach the annual limit, the plan pays 100% of your Medicare copayment and coinsurance for the rest of the calendar year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

** A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOSPITALIZATION** Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[1260]	$[945] (75% of Part A deductible)	$[315] (25% of Part A deductible)♦
61st thru 90th day	All but $[315] a day	$[315] a day	$0
91st day and after:			
– While using 60 lifetime reserve days	All but $[630] a day	$[630] a day	$0
– Once lifetime reserve days are used:			
— Additional 365 days	$0	100% of Medicare eligible expenses	$0***
— Beyond the additional 365 days	$0	$0	All costs

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PLAN L

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD (cont.)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
SKILLED NURSING FACILITY CARE** You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[157.50] a day	Up to $[118.13] a day (75% of Part A Coinsurance)	Up to $[39.38] a day (25% of Part A Coinsurance)♦
101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	75%	25%♦
Additional amounts	100%	$0	$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited co-payment/ coinsurance for outpatient drugs and inpatient respite care	75% of co-payment/ coinsurance	25% of co-payment/ coinsurance ♦

*** **NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

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PLAN L

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

* Once you have been billed $[147] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
MEDICAL EXPENSES—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First $[147] of Medicare Approved Amounts****	$0	$0	$[147] (Part B deductible)**** ♦
Preventive Benefits for Medicare covered services	Generally 80% or more of Medicare Approved Amounts	Remainder of Medicare Approved Amounts	All costs above Medicare Approved Amounts
Remainder of Medicare Approved Amounts	Generally 80%	Generally 15%	Generally 5% ♦
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs (and they do not count toward annual out-of-pocket limit of [$2470])*
BLOOD First 3 pints	$0	75%	25%♦
Next $[147] of Medicare Approved Amounts****	$0	$0	$[147] (Part B deductible) ♦
Remainder of Medicare Approved Amounts	Generally 80%	Generally 15%	Generally 5%♦
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

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* This plan limits your annual out-of-pocket payments for Medicare-approved amounts to $[2470] per year. **However, this limit does NOT include charges from your provider that exceed Medicare-approved amounts (these are called "Excess Charges") and you will be responsible for paying this difference in the amount charged by your provider and the amount paid by Medicare for the item or service.**

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PLAN L

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY*
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
Medically necessary skilled care services and medical supplies	100%	$0	$0
Durable medical equipment			
-First $[147] of Medicare Approved Amounts*****	$0	$0	$[147] (Part B deductible) ♦
-Remainder of Medicare Approved Amounts	80%	15%	5% ♦

*****Medicare benefits are subject to change. Please consult the latest *Guide to Health Insurance for People with Medicare.*

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PLAN M

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[1260]	$[630] (50% of Part A deductible)	$[630] (50% of Part A deductible)
61st thru 90th day	All but $[315] a day	$[315] a day	$0
91st day and after:			
– While using 60 lifetime reserve days	All but $[630] a day	$[630] a day	$0
– Once lifetime reserve days are used:			
— Additional 365 days	$0	100% of Medicare eligible expenses	$0**
— Beyond the additional 365 days	$0	$0	All costs

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PLAN M

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD (cont.)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[157.50] a day	Up to $[157.50] a day	$0
101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited co-payment/ coinsurance for outpatient drugs and inpatient respite care	Medicare co-payment/ coinsurance	$0

**** NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

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PLAN M

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

* Once you have been billed $[147] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES—IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
Remainder of Medicare Approved Amounts	Generally 80%	Generally 20%	$0
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs
BLOOD			
First 3 pints	$0	All costs	$0
Next $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

651-98

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PLAN M

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
Medically necessary skilled care services and medical supplies	100%	$0	$0
Durable medical equipment			
-First $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
-Remainder of Medicare Approved Amounts	80%	20%	$0

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PLAN M

OTHER BENEFITS—NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL— NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First $250 each calendar year	$0	$0	$250
Remainder of Charges	$0	80% to a lifetime maximum benefit of $50,000	20% and amounts over the $50,000 lifetime maximum

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PLAN N

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD

* A benefit period begins on the first day you receive service as an inpatient in a hospital and ends after you have been out of the hospital and have not received skilled care in any other facility for 60 days in a row.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOSPITALIZATION* Semiprivate room and board, general nursing and miscellaneous services and supplies			
First 60 days	All but $[1260]	$[1260] (Part A deductible)	$0
61st thru 90th day	All but $[315] a day	$[315] a day	$0
91st day and after:			
– While using 60 lifetime reserve days	All but $[630] a day	$[630] a day	$0
– Once lifetime reserve days are used:			
— Additional 365 days	$0	100% of Medicare eligible expenses	$0**
— Beyond the additional 365 days	$0	$0	All costs

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Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act

PLAN N

MEDICARE (PART A)—HOSPITAL SERVICES—PER BENEFIT PERIOD (cont.)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
SKILLED NURSING FACILITY CARE* You must meet Medicare's requirements, including having been in a hospital for at least 3 days and entered a Medicare-approved facility within 30 days after leaving the hospital			
First 20 days	All approved amounts	$0	$0
21st thru 100th day	All but $[157.50] a day	Up to $[157.50] a day	$0
101st day and after	$0	$0	All costs
BLOOD			
First 3 pints	$0	3 pints	$0
Additional amounts	100%	$0	$0
HOSPICE CARE You must meet Medicare's requirements, including a doctor's certification of terminal illness	All but very limited co-payment/ coinsurance for outpatient drugs and inpatient respite care	Medicare co-payment/ coinsurance	$0

** **NOTICE:** When your Medicare Part A hospital benefits are exhausted, the insurer stands in the place of Medicare and will pay whatever amount Medicare would have paid for up to an additional 365 days as provided in the policy's "Core Benefits." During this time the hospital is prohibited from billing you for the balance based on any difference between its billed charges and the amount Medicare would have paid.

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PLAN N

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR

*Once you have been billed $[147] of Medicare-approved amounts for covered services (which are noted with an asterisk), your Part B deductible will have been met for the calendar year.

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
MEDICAL EXPENSES— IN OR OUT OF THE HOSPITAL AND OUTPATIENT HOSPITAL TREATMENT, such as physician's services, inpatient and outpatient medical and surgical services and supplies, physical and speech therapy, diagnostic tests, durable medical equipment			
First $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
Remainder of Medicare Approved Amounts	Generally 80%	Balance, other than up to [$20] per office visit and up to [$50] per emergency room visit. The co-payment of up to [$50] is waived if the insured is admitted to any hospital and the emergency visit is covered as a Medicare Part A expense.	Up to [$20] per office visit and up to [$50] per emergency room visit. The co-payment of up to [$50] is waived if the insured is admitted to any hospital and the emergency visit is covered as a Medicare Part A expense.
Part B Excess Charges (Above Medicare Approved Amounts)	$0	$0	All costs

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PLAN N

MEDICARE (PART B)—MEDICAL SERVICES—PER CALENDAR YEAR (cont.)

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
BLOOD			
First 3 pints	$0	All costs	$0
Next $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
Remainder of Medicare Approved Amounts	80%	20%	$0
CLINICAL LABORATORY SERVICES—TESTS FOR DIAGNOSTIC SERVICES	100%	$0	$0

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PLAN N

PARTS A & B

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
HOME HEALTH CARE MEDICARE APPROVED SERVICES			
Medically necessary skilled care services and medical supplies	100%	$0	$0
Durable medical equipment			
-First $[147] of Medicare Approved Amounts*	$0	$0	$[147] (Part B deductible)
-Remainder of Medicare Approved Amounts	80%	20%	$0

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PLAN N

OTHER BENEFITS—NOT COVERED BY MEDICARE

SERVICES	MEDICARE PAYS	PLAN PAYS	YOU PAY
FOREIGN TRAVEL— NOT COVERED BY MEDICARE Medically necessary emergency care services beginning during the first 60 days of each trip outside the USA			
First $250 each calendar year	$0	$0	$250
Remainder of Charges	$0	80% to a lifetime maximum benefit of $50,000	20% and amounts over the $50,000 lifetime maximum

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E. Notice Regarding Policies or Certificates Which Are Not Medicare Supplement Policies.

(1) Any accident and sickness insurance policy or certificate, other than a Medicare supplement policy a policy issued pursuant to a contract under Section 1876 of the Federal Social Security Act (42 U.S.C. Section 1395 et seq.), disability income policy; or other policy identified in Section 3B of this regulation, issued for delivery in this state to persons eligible for Medicare shall notify insureds under the policy that the policy is not a Medicare supplement policy or certificate. The notice shall either be printed or attached to the first page of the outline of coverage delivered to insureds under the policy, or if no outline of coverage is delivered, to the first page of the policy, or certificate delivered to insureds. The notice shall be in no less than twelve (12) point type and shall contain the following language:

"THIS [POLICY OR CERTIFICATE] IS NOT A MEDICARE SUPPLEMENT [POLICY OR CONTRACT]. If you are eligible for Medicare, review the Guide to Health Insurance for People with Medicare available from the company."

(2) Applications provided to persons eligible for Medicare for the health insurance policies or certificates described in Subsection D(1) shall disclose, using the applicable statement in Appendix C, the extent to which the policy duplicates Medicare. The disclosure statement shall be provided as a part of, or together with, the application for the policy or certificate.

Section 18. Requirements for Application Forms and Replacement Coverage

A. Application forms shall include the following questions designed to elicit information as to whether, as of the date of the application, the applicant currently has Medicare supplement, Medicare Advantage, Medicaid coverage, or another health insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent containing such questions and statements may be used.

[Statements]

(1) You do not need more than one Medicare supplement policy.

(2) If you purchase this policy, you may want to evaluate your existing health coverage and decide if you need multiple coverages.

(3) You may be eligible for benefits under Medicaid and may not need a Medicare supplement policy.

(4) If, after purchasing this policy, you become eligible for Medicaid, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, during your entitlement to benefits under Medicaid for 24 months. You must request this suspension within 90 days of becoming eligible for Medicaid. If you are no longer entitled to Medicaid, your suspended Medicare supplement policy (or, if that is no longer available, a substantially equivalent policy) will be reinstituted if requested within 90 days of losing Medicaid eligibility. If the Medicare supplement policy provided coverage for

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outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstituted policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.

(5) If you are eligible for, and have enrolled in a Medicare supplement policy by reason of disability and you later become covered by an employer or union-based group health plan, the benefits and premiums under your Medicare supplement policy can be suspended, if requested, while you are covered under the employer or union-based group health plan. If you suspend your Medicare supplement policy under these circumstances, and later lose your employer or union-based group health plan, your suspended Medicare supplement policy (or, if that is no longer available, a substantially equivalent policy) will be reinstituted if requested within 90 days of losing your employer or union-based group health plan. If the Medicare supplement policy provided coverage for outpatient prescription drugs and you enrolled in Medicare Part D while your policy was suspended, the reinstituted policy will not have outpatient prescription drug coverage, but will otherwise be substantially equivalent to your coverage before the date of the suspension.

(6) Counseling services may be available in your state to provide advice concerning your purchase of Medicare supplement insurance and concerning medical assistance through the state Medicaid program, including benefits as a Qualified Medicare Beneficiary (QMB) and a Specified Low-Income Medicare Beneficiary (SLMB).

[Questions]

If you lost or are losing other health insurance coverage and received a notice from your prior insurer saying you were eligible for guaranteed issue of a Medicare supplement insurance policy, or that you had certain rights to buy such a policy, you may be guaranteed acceptance in one or more of our Medicare supplement plans. Please include a copy of the notice from your prior insurer with your application. PLEASE ANSWER ALL QUESTIONS.

[Please mark Yes or No below with an "X"]

To the best of your knowledge,

(1) (a) Did you turn age 65 in the last 6 months?

Yes____ No____

(b) Did you enroll in Medicare Part B in the last 6 months?

Yes____ No____

(c) If yes, what is the effective date? _____

(2) Are you covered for medical assistance through the state Medicaid program?

[NOTE TO APPLICANT: If you are participating in a "Spend-Down Program" and have not met your "Share of Cost," please answer NO to this question.]

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Yes____ No____

If yes,

(a) Will Medicaid pay your premiums for this Medicare supplement policy?

Yes____ No____

(b) Do you receive any benefits from Medicaid OTHER THAN payments toward your Medicare Part B premium?

Yes____ No____

(3) (a) If you had coverage from any Medicare plan other than original Medicare within the past 63 days (for example, a Medicare Advantage plan, or a Medicare HMO or PPO), fill in your start and end dates below. If you are still covered under this plan, leave "END" blank.

START __/__/__ END __/__/__

(b) If you are still covered under the Medicare plan, do you intend to replace your current coverage with this new Medicare supplement policy?

Yes____ No____

(c) Was this your first time in this type of Medicare plan?

Yes____ No____

(d) Did you drop a Medicare supplement policy to enroll in the Medicare plan?

Yes____ No____

(4) (a) Do you have another Medicare supplement policy in force?

Yes____ No____

(b) If so, with what company, and what plan do you have [optional for Direct Mailers]?

_____

(c) If so, do you intend to replace your current Medicare supplement policy with this policy?

Yes____ No____

(5) Have you had coverage under any other health insurance within the past 63 days? (For example, an employer, union, or individual plan)

Yes____ No____

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(a) If so, with what company and what kind of policy?

_____

_____

_____

_____

(b) What are your dates of coverage under the other policy?

START __/__/__ END __/__/__

(If you are still covered under the other policy, leave "END" blank.)

B. Agents shall list any other health insurance policies they have sold to the applicant.

(1) List policies sold which are still in force.

(2) List policies sold in the past five (5) years that are no longer in force.

C. In the case of a direct response issuer, a copy of the application or supplemental form, signed by the applicant, and acknowledged by the insurer, shall be returned to the applicant by the insurer upon delivery of the policy.

D. Upon determining that a sale will involve replacement of Medicare supplement coverage, any issuer, other than a direct response issuer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of Medicare supplement coverage. One copy of the notice signed by the applicant and the agent, except where the coverage is sold without an agent, shall be provided to the applicant and an additional signed copy shall be retained by the issuer. A direct response issuer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of Medicare supplement coverage.

E. The notice required by Subsection D above for an issuer shall be provided in substantially the following form in no less than twelve (12) point type:

**NOTICE TO APPLICANT REGARDING REPLACMENT
OF MEDICARE SUPPLEMENT INSURANCE
OR MEDICARE ADVANTAGE**

[Insurance company's name and address]

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to [your application] [information you have furnished], you intend to terminate existing Medicare supplement or Medicare Advantage insurance and replace it with a policy to be issued by [Company Name] Insurance Company. Your new policy will provide thirty (30) days within which you may decide without cost whether you desire to keep the policy.

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You should review this new coverage carefully. Compare it with all accident and sickness coverage you now have. If, after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision, you should terminate your present Medicare supplement or Medicare Advantage coverage. You should evaluate the need for other accident and sickness coverage you have that may duplicate this policy.

STATEMENT TO APPLICANT BY ISSUER, AGENT [BROKER OR OTHER REPRESENTATIVE]:

I have reviewed your current medical or health insurance coverage. To the best of my knowledge, this Medicare supplement policy will not duplicate your existing Medicare supplement or, if applicable, Medicare Advantage coverage because you intend to terminate your existing Medicare supplement coverage or leave your Medicare Advantage plan. The replacement policy is being purchased for the following reason (check one):

_____ Additional benefits.

_____ No change in benefits, but lower premiums.

_____ Fewer benefits and lower premiums.

_____ My plan has outpatient prescription drug coverage and I am enrolling in Part D.

_____ Disenrollment from a Medicare Advantage plan. Please explain reason for disenrollment. [optional only for Direct Mailers.]

_____ Other. (please specify) _____

1. **Note:** If the issuer of the Medicare supplement policy being applied for does not, or is otherwise prohibited from imposing pre-existing condition limitations, please skip to statement 2 below. Health conditions that you may presently have (preexisting conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.

2. State law provides that your replacement policy or certificate may not contain new preexisting conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to preexisting conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

3. If, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical and health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, review it carefully to be certain that all information has been properly recorded. [If the policy or certificate is guaranteed issue, this paragraph need not appear.]

Do not cancel your present policy until you have received your new policy and are sure that you want to keep it.

_____

(Signature of Agent, Broker or Other Representative)*

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[Typed Name and Address of Issuer, Agent or Broker]

_____
(Applicant's Signature

_____
(Date)
*Signature not required for direct response sales.

F. Paragraphs 1 and 2 of the replacement notice (applicable to preexisting conditions) may be deleted by an issuer if the replacement does not involve application of a new preexisting condition limitation.

Section 19. Filing Requirements for Advertising

An issuer shall provide a copy of any Medicare supplement advertisement intended for use in this state whether through written, radio or television medium to the Commissioner of Insurance of this state for review or approval by the commissioner to the extent it may be required under state law.

Drafting Note: States should examine their existing laws regarding the filing of advertisements to determine the extent to which review or approval is required.

Section 20. Standards for Marketing

A. An issuer, directly or through its producers, shall:

(1) Establish marketing procedures to assure that any comparison of policies by its agents or other producers will be fair and accurate.

(2) Establish marketing procedures to assure excessive insurance is not sold or issued.

(3) Display prominently by type, stamp or other appropriate means, on the first page of the policy the following:
"Notice to buyer: This policy may not cover all of your medical expenses."

(4) Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance.

(5) Establish auditable procedures for verifying compliance with this Subsection A.

B. In addition to the practices prohibited in [insert citation to state unfair trade practices act], the following acts and practices are prohibited:

(1) Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert an insurance policy or to take out a policy of insurance with another insurer.

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(2) High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, fright, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

(3) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

C. The terms "Medicare Supplement," "Medigap," "Medicare Wrap-Around" and words of similar import shall not be used unless the policy is issued in compliance with this regulation.

Drafting Note: Remember that the Unfair Trade Practice Act in your state applies to Medicare supplement insurance policies and certificates.

Section 21. Appropriateness of Recommended Purchase and Excessive Insurance

A. In recommending the purchase or replacement of any Medicare supplement policy or certificate an agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.

B. Any sale of a Medicare supplement policy or certificate that will provide an individual more than one Medicare supplement policy or certificate is prohibited.

C. An issuer shall not issue a Medicare supplement policy or certificate to an individual enrolled in Medicare Part C unless the effective date of the coverage is after the termination date of the individual's Part C coverage.

Section 22. Reporting of Multiple Policies

A. On or before March 1 of each year, an issuer shall report the following information for every individual resident of this state for which the issuer has in force more than one Medicare supplement policy or certificate:

(1) Policy and certificate number; and

(2) Date of issuance.

B. The items set forth above must be grouped by individual policyholder.

Editor's Note: Appendix B contains a reporting form for compliance with this section.

Section 23. Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates

A. If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate, the replacing issuer shall waive any time periods applicable to preexisting conditions, waiting periods, elimination periods and probationary periods in the new Medicare supplement policy or certificate for similar benefits to the extent such time was spent under the original policy.

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B. If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate which has been in effect for at least six (6) months, the replacing policy shall not provide any time period applicable to preexisting conditions, waiting periods, elimination periods and probationary periods for benefits similar to those contained in the original policy or certificate.

Drafting Note: Although NAIC is restricted from making revisions to its models that do not conform to the Omnibus Budget Reconciliation Act of 1990, states are encouraged to consider deletion of the words "for similar benefits" in Subsection A and the words "for benefits similar to those contained in the original policy or certificate" in Subsection B. States should eliminate Paragraphs (1) and (2) (applicable to preexisting conditions) of the replacement notice required by Section 16E.

Section 24. Prohibition Against Use of Genetic Information and Requests for Genetic Testing

This Section applies to all policies with policy years beginning on or after May 21, 2009.

A. An issuer of a Medicare supplement policy or certificate;

1. Shall not deny or condition the issuance or effectiveness of the policy or certificate (including the imposition of any exclusion of benefits under the policy based on a pre-existing condition) on the basis of the genetic information with respect to such individual; and

2. Shall not discriminate in the pricing of the policy or certificate (including the adjustment of premium rates) of an individual on the basis of the genetic information with respect to such individual.

B. Nothing in Subsection A shall be construed to limit the ability of an issuer, to the extent otherwise permitted by law, from

1. Denying or conditioning the issuance or effectiveness of the policy or certificate or increasing the premium for a group based on the manifestation of a disease or disorder of an insured or applicant; or

2. Increasing the premium for any policy issued to an individual based on the manifestation of a disease or disorder of an individual who is covered under the policy (in such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the group).

C. An issuer of a Medicare supplement policy or certificate shall not request or require an individual or a family member of such individual to undergo a genetic test.

D. Subsection C shall not be construed to preclude an issuer of a Medicare supplement policy or certificate from obtaining and using the results of a genetic test in making a determination regarding payment (as defined for the purposes of applying the regulations promulgated under part C of title XI and Section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) and consistent with Subsection A.

E. For purposes of carrying out Subsection D, an issuer of a Medicare supplement policy or certificate may request only the minimum amount of information necessary to accomplish the intended purpose.

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F. Notwithstanding Subsection C, an issuer of a Medicare supplement policy may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

(1) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

(2) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that –

(a) Compliance with the request is voluntary; and

(b) Non-compliance will have no effect on enrollment status or premium or contribution amounts.

(3) No genetic information collected or acquired under this subsection shall be used for underwriting, determination of eligibility to enroll or maintain enrollment status, premium rates, or the issuance, renewal, or replacement of a policy or certificate.

(4) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this subsection, including a description of the activities conducted.

(5) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this subsection.

G. An issuer of a Medicare supplement policy or certificate shall not request, require, or purchase genetic information for underwriting purposes.

H. An issuer of a Medicare supplement policy or certificate shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the policy in connection with such enrollment.

I. If an issuer of a Medicare supplement policy or certificate obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of Subsection H if such request, requirement, or purchase is not in violation of Subsection G.

J. For the purposes of this section only:

(1) "Issuer of a Medicare supplement policy or certificate" includes third-party administrator, or other person acting for or on behalf of such issuer.

Drafting Note: Not all states currently regulate third-party administrators. However, the Genetic Information Nondiscrimination Act of 2008 requires that third-party administrators be included in the definition of an issuer of a Medicare supplement policy or certificate.

(2) "Family member" means, with respect to an individual, any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual.

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(3) "Genetic information" means, with respect to any individual, information about such individual's genetic tests, the genetic tests of family members of such individual, and the manifestation of a disease or disorder in family members of such individual. Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual. Any reference to genetic information concerning an individual or family member of an individual who is a pregnant woman, includes genetic information of any fetus carried by such pregnant woman, or with respect to an individual or family member utilizing reproductive technology, includes genetic information of any embryo legally held by an individual or family member. The term "genetic information" does not include information about the sex or age of any individual.

(4) "Genetic services" means a genetic test, genetic counseling (including obtaining, interpreting, or assessing genetic information), or genetic education.

(5) "Genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detect genotypes, mutations, or chromosomal changes. The term "genetic test" does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

(6) "Underwriting purposes" means,

(a) Rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the policy;

(b) The computation of premium or contribution amounts under the policy;

(c) The application of any pre-existing condition exclusion under the policy; and

(d) Other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

Section 25. Separability

If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 26. Effective Date

This regulation shall be effective on [insert date].

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Chronological Summary of Actions (all references are to the Proceedings of the NAIC).

1980 Proc. II 22, 26, 588, 591, 593, 595-603 (adopted).
1981 Proc. I 47, 51, 420, 422, 424, 466-447, 470-481 (amended and reprinted).
1988 Proc. I 9, 20-21, 629-630, 652-654, 668-677 (amended and reprinted).
1988 Proc. II 5, 13, 568, 601, 604, 615-624 (amended and reprinted).
1989 Proc. I 14, 813-814, 836, 4-836.26 (amended at special plenary session September 1988).
1989 Proc. I 9, 25, 703, 753-754, 757-760 (appendices amended at regular plenary session).
1990 Proc. I 6, 27-28, 477, 574-576, 580-599 (amended and reprinted).
1990 Proc. II 7, 16, 599, 656, 657 (adopted reporting form).
1992 Proc. I 12, 16-75, 1084-1085 (amended at special plenary session in July 1991).
1995 Proc. 1st Quarter 7, 12, 501, 575, 586, 592-615 (amended and most of model reprinted).
1998 Proc. 1st Quarter 769, 772-799, 905 (amended).
1998 Proc. 3rd Quarter 15, 576, 697, 701, 702-717 (amended).
2000 Proc. 2nd Quarter 21-22, 162, 273, 275-288 (amended).
2001 Proc. 2nd Quarter 13, 14, 118, 171, 176, 181-187 (amended).
2004 Proc. 3rd Quarter 84, 679-681, 747, 748-866 (amended and reprinted).
2008 Proc. 3rd Quarter 3-114 to 3-116, 4-24 to 4-26 (amended and reprinted).
2010 Proc. 1st Quarter (technical corrections)
January 2014 (technical revisions)
1st Quarter 2015 (technical revisions)
1st Quarter 2016 (technical revisions)
2016 Sumer National Meeting (amended)

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APPENDIX A

MEDICARE SUPPLEMENT REFUND CALCULATION FORM
FOR CALENDAR YEAR_____

TYPE[1] _____ SMSBP[2] _____
For the State of _____ Company Name _____
NAIC Group Code _____ NAIC Company Code _____
Address _____ Person Completing Exhibit _____
Title _____ Telephone Number _____

Line		(a) Earned Premium[3]	(b) Incurred Claims[4]
1.	Current Years' Experience		
	a. Total (all policy years)		
	b. Current year's issues[5]		
	c. Net (for reporting purposes = 1a–1b		
2.	Past Years' Experience (all policy years)		
3.	Total Experience (Net Current Year + Past Year)		

4.	Refunds Last Year (Excluding Interest)	
5.	Previous Since Inception (Excluding Interest)	
6.	Refunds Since Inception (Excluding Interest)	
7.	Benchmark Ratio Since Inception (*see worksheet for Ratio 1*)	
8.	Experienced Ratio Since Inception (*Ratio 2*) Total Actual Incurred Claims (line 3, col. b) Total Earned Prem. (line 3, col. a)–Refunds Since Inception (line 6)	
9.	Life Years Exposed Since Inception If the Experienced Ratio is less than the Benchmark Ratio, and there are more than 500 life years exposure, then proceed to calculation of refund.	
10.	Tolerance Permitted (obtained from credibility table)	

Medicare Supplement Credibility Table

Life Years Exposed Since Inception	Tolerance
10,000 +	0.0%
5,000 -9,999	5.0%
2,500 -4,999	7.5%
1,000 -2,499	10.0%
500 - 999	15.0%
If less than 500, no credibility.	

1 Individual, Group, Individual Medicare Select, or Group Medicare Select Only.
2 "SMSBP" = Standardized Medicare Supplement Benefit Plan - Use "P" for pre-standardized plans.
3 Includes Modal Loadings and Fees Charged
4 Excludes Active Life Reserves
5 This is to be used as "Issue Year Earned Premium" for Year 1 of next year's "Worksheet for Calculation of Benchmark Ratios"

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MEDICARE SUPPLEMENT REFUND CALCULATION FORM
FOR CALENDAR YEAR_____

TYPE[1] _____ SMSBP[2] _____
For the State of _____ Company Name _____
NAIC Group Code _____ NAIC Company Code _____
Address _____ Person Completing Exhibit _____
Title _____ Telephone Number _____

11.	Adjustment to Incurred Claims for Credibility Ratio 3 = Ratio 2 + Tolerance	

If Ratio 3 is more than Benchmark Ratio (Ratio 1), a refund or credit to premium is not required.
If Ratio 3 is less than the Benchmark Ratio, then proceed.

12.	Adjusted Incurred Claims [Total Earned Premiums (line 3, col. a)–Refunds Since Inception (line 6)] x Ratio 3 (line 11)	
13.	Refund = Total Earned Premiums (line 3, col. a)–Refunds Since Inception (line 6) –[Adjusted Incurred Claims (line 12)/Benchmark Ratio (Ratio 1)]	

If the amount on line 13 is less than .005 times the annualized premium in force as of December 31 of the reporting year, then no refund is made. Otherwise, the amount on line 13 is to be refunded or credited, and a description of the refund or credit against premiums to be used must be attached to this form.

I certify that the above information and calculations are true and accurate to the best of my knowledge and belief.

_____
Signature

_____
Name - Please Type

_____
Title - Please Type

_____
Date

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Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act

REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR GROUP POLICIES FOR CALENDAR YEAR _____

TYPE[1] _____ SMSBP[2] _____
For the State of _____ Company Name _____
NAIC Group Code _____ NAIC Company Code _____
Address _____ Person Completing Exhibit _____
Title _____ Telephone Number _____

(a)[3] Year	(b)[4] Earned Premium	(c) Factor	(d) (b)x(c)	(e) Cumulative Loss Ratio	(f) (d)x(e)	(g) Factor	(h) (b)x(g)	(i) Cumulative Loss Ratio	(j) (h)x(i)	(o)[5] Policy Year Loss Ratio
1		2.770		0.507		0.000		0.000		0.46
2		4.175		0.567		0.000		0.000		0.63
3		4.175		0.567		1.194		0.759		0.75
4		4.175		0.567		2.245		0.771		0.77
5		4.175		0.567		3.170		0.782		0.80
6		4.175		0.567		3.998		0.792		0.82
7		4.175		0.567		4.754		0.802		0.84
8		4.175		0.567		5.445		0.811		0.87
9		4.175		0.567		6.075		0.818		0.88
10		4.175		0.567		6.650		0.824		0.88
11		4.175		0.567		7.176		0.828		0.88
12		4.175		0.567		7.655		0.831		0.88
13		4.175		0.567		8.093		0.834		0.89
14		4.175		0.567		8.493		0.837		0.89
15+[6]		4.175		0.567		8.684		0.838		0.89
Total:			(k):		(l):		(m):		(n):	

Benchmark Ratio Since Inception: (l + n)/(k + m): _____

[1] Individual, Group, Individual Medicare Select, or Group Medicare Select Only.

[2] "SMSBP" = Standardized Medicare Supplement Benefit Plan - Use "P" for pre-standardized plans

[3] Year 1 is the current calendar year - 1, Year 2 is the current calendar year - 2 (etc.) (Example: If the current year is 1991, then: Year 1 is 1990; Year 2 is 1989, etc.)

651-120

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4 For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.
5 These loss ratios are not explicitly used in computing the benchmark loss ratios. They are the loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown here for informational purposes only.
6 To include the earned premium for all years prior to as well as the 15th year prior to the current year.

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Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act

REPORTING FORM FOR THE CALCULATION OF BENCHMARK RATIO SINCE INCEPTION FOR INDIVIDUAL POLICIES FOR CALENDAR YEAR_____

TYPE[1] _____ SMSBP[2] _____
For the State of _____ Company Name _____
NAIC Group Code _____ NAIC Company Code _____
Address _____ Person Completing Exhibit _____
Title _____ Telephone Number _____

(a)[3]	(b)[4]	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(o)[5]
Year	Earned Premium	Factor	(b)x(c)	Cumulative Loss Ratio	(d)x(e)	Factor	(b)x(g)	Cumulative Loss Ratio	(h)x(i)	Policy Year Loss Ratio
1		2.770		0.442		0.000		0.000		0.40
2		4.175		0.493		0.000		0.000		0.55
3		4.175		0.493		1.194		0.659		0.65
4		4.175		0.493		2.245		0.669		0.67
5		4.175		0.493		3.170		0.678		0.69
6		4.175		0.493		3.998		0.686		0.71
7		4.175		0.493		4.754		0.695		0.73
8		4.175		0.493		5.445		0.702		0.75
9		4.175		0.493		6.075		0.708		0.76
10		4.175		0.493		6.650		0.713		0.76
11		4.175		0.493		7.176		0.717		0.76
12		4.175		0.493		7.655		0.720		0.77
13		4.175		0.493		8.093		0.723		0.77
14		4.175		0.493		8.493		0.725		0.77
15+[6]		4.175		0.493		8.684		0.725		0.77
Total:			(k):		(l):		(m):		(n):	

Benchmark Ratio Since Inception: (l + n)/(k + m): _____

[1] Individual, Group, Individual Medicare Select, or Group Medicare Select Only.

[2] "SMSBP" = Standardized Medicare Supplement Benefit Plan - Use "P" for pre-standardized plans

[3] Year 1 is the current calendar year - 1. Year 2 is the current calendar year - 2 (etc.) (Example: If the current year is 1991, then: Year 1 is 1990; Year 2 is 1989, etc.)

651-122

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4 For the calendar year on the appropriate line in column (a), the premium earned during that year for policies issued in that year.
5 These loss ratios are not explicitly used in computing the benchmark loss ratios. They are the loss ratios, on a policy year basis, which result in the cumulative loss ratios displayed on this worksheet. They are shown here for informational purposes only.
6 To include the earned premium for all years prior to as well as the 15th year prior to the current year.

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APPENDIX B

**FORM FOR REPORTING
MEDICARE SUPPLEMENT POLICIES**

Company Name: _____

Address: _____

_____

Phone Number: _____

Due March 1, annually

The purpose of this form is to report the following information on each resident of this state who has in force more than one Medicare supplement policy or certificate. The information is to be grouped by individual policyholder.

Policy and Certificate #	Date of Issuance

_____
Signature

_____
Name and Title (please type)

_____
Date

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APPENDIX C

DISCLOSURE STATEMENTS

Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare

1. Section 1882 (d) of the federal Social Security Act [42 U.S.C. 1395ss] prohibits the sale of a health insurance policy (the term policy includes certificate) to Medicare beneficiaries that duplicates Medicare benefits unless it will pay benefits without regard to a beneficiary's other health coverage and it includes the prescribed disclosure statement on or together with the application for the policy.
2. All types of health insurance policies that duplicate Medicare shall include one of the attached disclosure statements, according to the particular policy type involved, on the application or together with the application. The disclosure statement may not vary from the attached statements in terms of language or format (type size, type proportional spacing, bold character, line spacing, and usage of boxes around text).
3. State and federal law prohibits insurers from selling a Medicare supplement policy to a person that already has a Medicare supplement policy except as a replacement policy.
4. Property/casualty and life insurance policies are not considered health insurance.
5. Disability income policies are not considered to provide benefits that duplicate Medicare.
6. Long-term care insurance policies that coordinate with Medicare and other health insurance are not considered to provide benefits that duplicate Medicare.
7. The federal law does not preempt state laws that are more stringent than the federal requirements.
8. The federal law does not preempt existing state form filing requirements.
9. Section 1882 of the federal Social Security Act was amended in Subsection (d)(3)(A) to allow for alternative disclosure statements. The disclosure statements already in Appendix C remain. Carriers may use either disclosure statement with the requisite insurance product. However, carriers should use either the original disclosure statements or the alternative disclosure statements and not use both simultaneously.

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[Original disclosure statement for policies that provide benefits for expenses incurred for an accidental injury only.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses that result from accidental injury. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- Hospital or medical expenses up to the maximum stated in the policy

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- Hospitalization
- Physician services
- [Outpatient prescription drugs if you are enrolled in Medicare Part D]
- Other approved items and services

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.
√ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

Drafting Note: Insurers insert reference to: outpatient prescription drugs and state health insurance assistance program (SHIP) above when new notices need to be printed after December 31, 2005.

[Original disclosure statement for policies that provide benefits for specified limited services.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- Any of the services covered by the policy are also covered by Medicare

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Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- Hospitalization
- Physician services
- [Outpatient prescription drugs if you are enrolled in Medicare Part D]
- Other approved items and services

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.
√ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

Drafting Note: Insurers insert reference to: outpatient prescription drugs and state health insurance assistance program (SHIP) above when new notices need to be printed after December 31, 2005.

[Original disclosure statement for policies that reimburse expenses incurred for specified diseases or other specified impairments. This includes expense-incurred cancer, specified disease and other types of health insurance policies that limit reimbursement to named medical conditions.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses only when you are treated for one of the specific diseases or health conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- Hospital or medical expenses up to the maximum stated in the policy

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- Hospitalization
- Physician services
- Hospice care
- [Outpatient prescription drugs if you are enrolled in Medicare Part D]
- Other approved items and services

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Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.
√ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

Drafting Note: Insurers insert reference to: outpatient prescription drugs and state health insurance assistance program (SHIP) above when new notices need to be printed after December 31, 2005.

[Original disclosure statement for policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease, and other health insurance policies that pay a scheduled benefit or specific payment based on diagnosis of the conditions named in the policy.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays a fixed amount, regardless of your expenses, if you meet the policy conditions, for one of the specific diseases or health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits because Medicare generally pays for most of the expenses for the diagnosis and treatment of the specific conditions or diagnoses named in the policy.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- Hospitalization
- Physician services
- Hospice care
- [Outpatient prescription drugs if you are enrolled in Medicare Part D]
- Other approved items and services

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.
√ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

Drafting Note: Insurers insert reference to: outpatient prescription drugs and state health insurance assistance program (SHIP) above when new notices need to be printed after December 31, 2005.

[Original disclosure statement for indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies.]

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IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays a fixed dollar amount, regardless of your expenses, for each day you meet the policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when:

- Any expenses or services covered by the policy are also covered by Medicare

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- Hospitalization
- Physician services
- [Outpatient prescription drugs if you are enrolled in Medicare Part D]
- Hospice care
- Other approved items and services

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.
√ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

Drafting Note: Insurers insert reference to: outpatient prescription drugs and state health insurance assistance program (SHIP) above when new notices need to be printed after December 31, 2005.

[Original disclosure statement for policies that provide benefits upon both an expense-incurred and fixed indemnity basis.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

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This insurance duplicates Medicare benefits when:

- any expenses or services covered by the policy are also covered by Medicare; or
- it pays the fixed dollar amount stated in the policy and Medicare covers the same event

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- Hospitalization
- Physician services
- Hospice care
- [Outpatient prescription drugs if you are enrolled in Medicare Part D]
- Other approved items & services

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.
√ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

Drafting Note: Insurers insert reference to: outpatient prescription drugs and state health insurance assistance program (SHIP) above when new notices need to be printed after December 31, 2005.

[Original disclosure statement for other health insurance policies not specifically identified in the preceding statements.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS INSURANCE DUPLICATES SOME MEDICARE BENEFITS

This is not Medicare Supplement Insurance

This insurance provides limited benefits if you meet the conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

This insurance duplicates Medicare benefits when it pays:

- The benefits stated in the policy and coverage for the same event is provided by Medicare

Medicare generally pays for most or all of these expenses.
Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- Hospitalization
- Physician services
- Hospice care
- [Outpatient prescription drugs if you are enrolled in Medicare Part D]
- Other approved items and services

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Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.
√ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

Drafting Note: Insurers insert reference to: outpatient prescription drugs and state health insurance assistance program (SHIP) above when new notices need to be printed after December 31, 2005.

[Alternative disclosure statement for policies that provide benefits for expenses incurred for an accidental injury only.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses that result from accidental injury. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- Hospitalization
- Physician services
- [Outpatient prescription drugs if you are enrolled in Medicare Part D]
- Other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.
√ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

Drafting Note: Insurers insert reference to: outpatient prescription drugs and state health insurance assistance program (SHIP) above when new notices need to be printed after December 31, 2005.

[Alternative disclosure statement for policies that provide benefits for specified limited services.]

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IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits under this policy.

This insurance provides limited benefits, if you meet the policy conditions, for expenses relating to the specific services listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- Hospitalization
- Physician services
- [Outpatient prescription drugs if you are enrolled in Medicare Part D]
- Other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.
√ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

Drafting Note: Insurers insert reference to: outpatient prescription drugs and state health insurance assistance program (SHIP) above when new notices need to be printed after December 31, 2005.

[Alternative disclosure statement for policies that reimburse expenses incurred for specified diseases or other specified impairments. This includes expense-incurred cancer, specified disease and other types of health insurance policies that limit reimbursement to named medical conditions.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy. Medicare generally pays for most or all of these expenses.
This insurance provides limited benefits, if you meet the policy conditions, for hospital or medical expenses only when you are treated for one of the specific diseases or health conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

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Medicare generally pays for most or all of these expenses.
Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- Hospitalization
- Physician services
- Hospice care
- [Outpatient prescription drugs if you are enrolled in Medicare Part D]
- Other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.
√ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

Drafting Note: Insurers insert reference to: outpatient prescription drugs and state health insurance assistance program (SHIP) above when new notices need to be printed after December 31, 2005.

[Alternative disclosure statement for policies that pay fixed dollar amounts for specified diseases or other specified impairments. This includes cancer, specified disease, and other health insurance policies that pay a scheduled benefit or specific payment based on diagnosis of the conditions named in the policy.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance pays a fixed amount, regardless of your expenses, if you meet the policy conditions, for one of the specific diseases or health conditions named in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- Hospitalization
- Physician services
- Hospice care
- [Outpatient prescription drugs if you are enrolled in Medicare Part D]
- Other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

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Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.
√ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

Drafting Note: Insurers insert reference to: outpatient prescription drugs and state health insurance assistance program (SHIP) above when new notices need to be printed after December 31, 2005.

[Alternative disclosure statement for indemnity policies and other policies that pay a fixed dollar amount per day, excluding long-term care policies.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance pays a fixed dollar amount, regardless of your expenses, for each day you meet the policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- Hospitalization
- Physician services
- Hospice care
- [Outpatient prescription drugs if you are enrolled in Medicare Part D]
- Other approved items and services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.
√ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

Drafting Note: Insurers insert reference to: outpatient prescription drugs and state health insurance assistance program (SHIP) above when new notices need to be printed after December 31, 2005.

[Alternative disclosure statement for policies that provide benefits upon both an expense-incurred and fixed indemnity basis.]

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IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance pays limited reimbursement for expenses if you meet the conditions listed in the policy. It also pays a fixed amount, regardless of your expenses, if you meet other policy conditions. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

Medicare pays extensive benefits for medically necessary services regardless of the reason you need them. These include:

- Hospitalization
- Physician services
- Hospice care
- [Outpatient prescription drugs if you are enrolled in Medicare Part D]
- Other approved items & services

This policy must pay benefits without regard to other health benefit coverage to which you may be entitled under Medicare or other insurance.

Before You Buy This Insurance

√ Check the coverage in **all** health insurance policies you already have.
√ For more information about Medicare and Medicare Supplement insurance, review the *Guide to Health Insurance for People with Medicare*, available from the insurance company.
√ For help in understanding your health insurance, contact your state insurance department or state [health] insurance [assistance] program [SHIP].

Drafting Note: Insurers insert reference to: outpatient prescription drugs and state health insurance assistance program (SHIP) above when new notices need to be printed after December 31, 2005.

[Alternative disclosure statement for other health insurance policies not specifically identified in the preceding statements.]

IMPORTANT NOTICE TO PERSONS ON MEDICARE
THIS IS NOT MEDICARE SUPPLEMENT INSURANCE

Some health care services paid for by Medicare may also trigger the payment of benefits from this policy.

This insurance provides limited benefits if you meet the conditions listed in the policy. It does not pay your Medicare deductibles or coinsurance and is not a substitute for Medicare Supplement insurance.

Medicare generally pays for most or all of these expenses.

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Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act

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Drafting Note: Insurers insert reference to: outpatient prescription drugs and state health insurance assistance program (SHIP) above when new notices need to be printed after December 31, 2005.

651-136

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Federal Register

Vol. 82, No. 169

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FEDERAL REGISTER PAGES AND DATE, SEPTEMBER

41501–41824..... 1

CFR PARTS AFFECTED DURING SEPTEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *http://www.archives.gov/federal-register/laws*.

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H.R. 339/P.L. 115–53
Northern Mariana Islands Economic Expansion Act (Aug. 22, 2017; 131 Stat. 1091)

H.J. Res. 76/P.L. 115–54
Granting the consent and approval of Congress for the Commonwealth of Virginia, the State of Maryland, and the District of Columbia to enter into a compact relating to the establishment of the Washington Metrorail Safety Commission. (Aug. 22, 2017; 131 Stat. 1093)

Last List August 23, 2017

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This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	21 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	35 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
September 1	Sep 18	Sep 22	Oct 2	Oct 6	Oct 16	Oct 31	Nov 30
September 5	Sep 20	Sep 26	Oct 5	Oct 10	Oct 20	Nov 6	Dec 4
September 6	Sep 21	Sep 27	Oct 6	Oct 11	Oct 23	Nov 6	Dec 5
September 7	Sep 22	Sep 28	Oct 10	Oct 12	Oct 23	Nov 6	Dec 6
September 8	Sep 25	Sep 29	Oct 10	Oct 13	Oct 23	Nov 7	Dec 7
September 11	Sep 26	Oct 2	Oct 11	Oct 16	Oct 26	Nov 13	Dec 11
September 12	Sep 27	Oct 3	Oct 12	Oct 17	Oct 27	Nov 13	Dec 11
September 13	Sep 28	Oct 4	Oct 13	Oct 18	Oct 30	Nov 13	Dec 12
September 14	Sep 29	Oct 5	Oct 16	Oct 19	Oct 30	Nov 13	Dec 13
September 15	Oct 2	Oct 6	Oct 16	Oct 20	Oct 30	Nov 14	Dec 14
September 18	Oct 3	Oct 10	Oct 18	Oct 23	Nov 2	Nov 17	Dec 18
September 19	Oct 4	Oct 10	Oct 19	Oct 24	Nov 3	Nov 20	Dec 18
September 20	Oct 5	Oct 11	Oct 20	Oct 25	Nov 6	Nov 20	Dec 19
September 21	Oct 6	Oct 12	Oct 23	Oct 26	Nov 6	Nov 20	Dec 20
September 22	Oct 10	Oct 13	Oct 23	Oct 27	Nov 6	Nov 21	Dec 21
September 25	Oct 10	Oct 16	Oct 25	Oct 30	Nov 9	Nov 24	Dec 26
September 26	Oct 11	Oct 17	Oct 26	Oct 31	Nov 13	Nov 27	Dec 26
September 27	Oct 12	Oct 18	Oct 27	Nov 1	Nov 13	Nov 27	Dec 26
September 28	Oct 13	Oct 19	Oct 30	Nov 2	Nov 13	Nov 27	Dec 27
September 29	Oct 16	Oct 20	Oct 30	Nov 3	Nov 13	Nov 28	Dec 28