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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2016–0255]

Regulatory Issue Summary Regarding Certificate of Compliance Corrections and Revisions

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory issue summary; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Regulatory Issue Summary (RIS) 2017–05, ''Administration of 10 CFR part 72 Certificate of Compliance Corrections and Revisions.'' This RIS informs all holders of certificates of compliance and all general licensees subject to the licensing requirements for the independent storage of spent nuclear fuel, high-level radioactive waste, and reactor-related greater than Class C waste, of the processes to revise an initial certificate of compliance and subsequent amendments to make administrative corrections and technical changes using the existing regulatory framework.

DATES: The RIS is available as of September 22, 2017.

ADDRESSES: Please refer to Docket ID NRC–2016–0255 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2016–0255. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. This RIS is available under ADAMS Accession No. ML17165A183.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- This RIS is also available on the NRC's public Web site at *http://www.nrc.gov/reading-rm/doc-collections/gen-comm/reg-issues/* (select ''2017'' and then select ''2017–05'').

FOR FURTHER INFORMATION CONTACT: John Vera, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–5790; email: *John.Vera@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC published a notice of opportunity for public comment on this RIS in the **Federal Register** on January 18, 2017 (82 FR 5445). The NRC received comments from two commenters. The NRC considered all comments, which resulted in changes to the RIS. The evaluation of these comments and the resulting changes to the RIS are discussed in a publicly-available memorandum which is available in ADAMS under Accession No. ML17165A178.

Dated at Rockville, Maryland, this 18th day of September 2017.

For the Nuclear Regulatory Commission.

Alexander D. Garmoe,

Acting Chief, Generic Communications Branch, Division of Policy and Rulemaking, Office of Nuclear Reactor Regulation.

[FR Doc. 2017–20226 Filed 9–21–17; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0452; Product Identifier 2017–NE–14–AD; Amendment 39–19050; AD 2017–19–20]

RIN 2120–AA64

Airworthiness Directives; General Electric Company Turboshaft 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) CT7–8A and CT7–9B model turboshaft engines. This AD was prompted by reports from the manufacturer that the high-pressure compressor (HPC) impeller installed on these engines may have suffered from material degradation during the manufacturing process. This AD requires removal of the affected HPC impellers. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 27, 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.co.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 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–2017–0452.

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–2017–0452; 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: Kasra Sharifi, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7773; fax: 781–238–7199; email: *kasra.sharifi@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 CT7–8A and CT7–9B model turboshaft engines. The NPRM published in the **Federal Register** on June 16, 2017 (82 FR 27634). The NPRM was prompted by reports from the manufacturer that the HPC impeller installed on these engines may have suffered from material degradation during the manufacturing process. The NPRM proposed to require removal of the affected HPC impellers. We are issuing this AD to prevent failure of the HPC impeller, uncontained HPC impeller release, damage to the engine, and damage to the airplane/helicopter.

Comments

We gave the public the opportunity to participate in developing this final rule. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this final rule as proposed.

Related Service Information

We reviewed GE Service Bulletin (SB) CT7–TP S/B 72–0524, dated June 16, 2016. The SB describes procedures for replacing the affected HPC impellers.

Costs of Compliance

We estimate that this AD affects 1 engine installed on a helicopter 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
Replace HPC impeller	0 work-hours × $85 per hour = $0	$70,000	$70,000	$70,000

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

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):

2017–19–20 General Electric Company: Amendment 39–19050; Docket No. FAA–2017–0452; Product Identifier 2017–NE–14–AD.

(a) Effective Date

This AD is effective October 27, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to General Electric Company (GE) CT7–8A and CT7–9B model turboshaft engines with a high-pressure compressor (HPC) impeller, part number 5123T51P02, and serial number, GLHTPH9G, GLHTPP7P, or GLHTPJHN, installed.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports from the manufacturer that the HPC impeller installed on these engines may have suffered from material degradation during the manufacturing process. We are issuing this AD to prevent failure of the HPC impeller.

This unsafe condition, if not corrected, could result in failure of the HPC impeller, uncontained HPC impeller release, damage to the engine, and damage to the airplane/helicopter.

(f) Compliance

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

(1) For CT7–9B engines, remove the affected HPC impeller from service at the next engine shop visit after the effective date of this AD, or prior to accumulating 12,000 cycles since new, whichever is earlier.

(2) For CT7–8A engines, remove the affected HPC impeller from service at the next engine shop visit after the effective date of this AD, or prior to accumulating 1,500 engine hours after the effective date of this AD, whichever is earlier.

(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 flanges.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, Engine Certification Office, FAA, may approve AMOCs for this AD. Use the procedures found in 14 CFR 39.19 to make your request. You may email your request to: *ANE-AD-AMOC@faa.gov.*

(i) Related Information

(1) For more information about this AD, contact Kasra Sharifi, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7773; fax: 781–238–7199; email: *kasra.sharifi@faa.gov.*

(2) GE Service Bulletin CT7–TP S/B 72–0524, dated June 16, 2016, can be obtained from GE using the contact information in paragraph (i)(3) of this AD.

(3) For 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 the FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125.

(j) Material Incorporated by Reference

None.

Issued in Burlington, Massachusetts, on September 13, 2017.

Robert J. Ganley,

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

[FR Doc. 2017–19961 Filed 9–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–9185; Product Identifier 2016–NM–077–AD; Amendment 39–19040; AD 2017–19–10]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 757–200, –200PF, and –200CB series airplanes. This AD was prompted by an analysis of the cam support assemblies of the main cargo door (MCD) that indicated that the existing maintenance program for the cam support assemblies is not adequate to reliably detect cracks before two adjacent cam support assemblies could fail. This AD requires an inspection to determine part numbers, repetitive inspections to detect cracking of affected cam support assemblies of the MCD, and replacement if necessary. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 27, 2017.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of October 27, 2017.

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9185.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–9185; 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 Docket 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: Chandra Ramdoss, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5239; fax: 562–627–5210; email: *chandraduth.ramdoss@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 all The Boeing Company Model 757–200, –200PF, and –200CB series airplanes. The NPRM published in the **Federal Register** on October 4, 2016 (81 FR 68371) (''the NPRM''). The NPRM was prompted by an analysis of the cam support assemblies of the MCD that indicated that the existing maintenance program for the cam support assemblies is not adequate to reliably detect cracks before two adjacent cam support assemblies could fail. The NPRM proposed to require an inspection to determine part numbers, repetitive inspections to detect cracking of affected cam support assemblies of the MCD, and replacement if necessary. We are issuing this AD to detect and correct cracking of the cam support assemblies of the MCD, which could result in reduced structural integrity of the MCD and consequent rapid decompression of 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.

Requests To Revise Applicability

Boeing, Delta Air Lines (DAL), European Air Transport Leipzig GmbH (EAT), DHL Express (DHL), FedEx Express (FedEx), and United Airlines (UAL) requested that we revise the proposed AD applicability. DAL and UAL requested that airplanes that do not have a MCD be excluded from the AD applicability.

Three of these commenters requested that the actions of the service information be applicable only to

airplanes in the service information effectivity. These commenters explained that the service information effectivity includes only airplanes that have a MCD installed by Boeing, either as a Boeing factory-delivered freighter or as a Boeing Supplemental Type Certificate (STC)-converted freighter, and not airplanes that have been converted to a freighter by a non-Boeing STC.

EAT and DHL requested that we revise the applicability of the proposed AD to exclude Model 757 airplanes with passenger to freighter modification STC ST01529SE by Precision Conversions.

FedEx requested that we either withdraw the NPRM and issue a new one, to include a separate section for airplanes modified under VT Mobile Aerospace Engineering STC ST03562AT, or exempt the airplanes modified by that STC from the NPRM and issue a new NPRM for airplanes modified by that STC. FedEx also requested that we revise the NPRM to mandate, for Model 757–200 airplanes modified in accordance with STC ST03562AT, VT Mobile Aerospace Engineering Service Bulletin MAE757SF–SB–52–l 601, Revision 0, dated April 15, 2016, or a subsequent revision, instead of Boeing Alert Service Bulletin 757–52A0094, dated December 23, 2015. FedEx explained that the MCD that is installed by the Precision Conversion STC is different than that installed by Boeing or VT Mobile Aerospace Engineering and does not have the affected cam support fittings installed. FedEx stated that it prefers the VT Mobile Aerospace Engineering service information for modifying airplanes instead of the Boeing service information, since Boeing does not provide support for the VT Mobile Aerospace STC, and any discrepancies or questions on the Boeing service information would be addressed by Boeing based on goodwill, rather than by contractual agreement.

We partially agree with the commenters' requests. We agree that the unsafe condition does not apply to Model 757–200 airplanes that do not have a MCD and to airplanes modified from passenger to freighter in accordance with Precision Conversions STC ST01529SE. The unsafe condition applies only to MCD cam support assemblies with the specified part numbers.

We disagree that the AD should apply only to Boeing converted freighters. We also disagree that a separate AD should be issued to address Model 757–200 freighters modified by STC ST03562AT or any of the other passenger-to-freighter modification STCs because these support assemblies having affected part numbers could be installed during original aircraft manufacture, or during passenger-to-freighter modification. The unsafe condition applies only to airplanes with certain part number cam support assemblies installed, and it does not apply to Model 757–200 airplanes that do not have a MCD.

Paragraphs (g) and (h) of this AD list the part numbers of the cam support assemblies that have the unsafe condition. We have confirmed that the cam support assemblies having affected part numbers are not installed on Model 757 airplanes as part of the Precision Conversions STC ST01529SE passenger-to-freighter conversion. We have revised the **SUMMARY** section, Discussion section, and paragraph (c) of this AD to state that the AD applies to all Model 757–200, –200PF, and –200CB series airplanes equipped with a MCD, except those airplanes that have been converted from a passenger to freighter configuration in accordance with STC ST01529SE.

We expect that the actions specified in Boeing Alert Service Bulletin 757–52A0094, Revision 2, dated May 2, 2017 (''ASB 757–52A0094, R2''), can be accomplished on airplanes that are not identified in that service information. In addition, we do not consider it appropriate to include various provisions in an AD applicable only to an operator's unique configuration of affected airplanes. However, if an operator with a Model 757–200 freighter cannot accomplish the required actions specified in the service information, or prefers to use different service information that is specific to their design (such as FedEx's request to use VT Mobile Aerospace Engineering Service Bulletin MAE757SF–SB–52–l 601, Revision 0, dated April 15, 2016), an alternative method of compliance (AMOC) can be requested in accordance with paragraph (j) of this AD.

Requests To Revise the Compliance Time

Boeing and FedEx requested that we revise the compliance time in paragraph (g)(l) of the proposed AD from ''18,000 total flight cycles'' to ''18,000 door flight cycles.'' The commenters explained that some of the affected airplanes have been converted from passenger to freighter airplanes, and for these converted airplanes, the cam support assemblies were installed at the time of the aircraft conversion, not when the airplanes were produced. The commenters stated that, for these converted airplanes, the initial compliance time for inspection should be based on the number of flight cycles since the part has been installed. In addition, Boeing stated that ASB 757–52A0094, R2, was revised to change the inspection threshold for Boeing converted freighter airplanes to total flight cycles after freighter conversion redelivery.

We agree with the commenters' request. For airplanes that have been converted to freighters, the compliance time for the initial inspection should be based on the number of cycles the cam support assembly has been in service. We have revised paragraph (g)(1) of this AD accordingly.

Request To Withdraw the NPRM and Reference Revised Service Information

FedEx requested that we withdraw the NPRM and issue a new NPRM to require compliance with ASB 757–52A0094, R2, instead of Boeing Alert Service Bulletin 757–52A0094, dated December 23, 2015.

We partially agree with the commenter's request. We agree with the commenter's request to reference ASB 757–52A0094, R2, as the appropriate source of service information. Revision 1 of Boeing Alert Service Bulletin 757–52A0094, dated April 21, 2016 (''ASB 757–52A0094, R1''), removed one airplane from the effectivity and updated some references and publications affected. ASB 757–52A0094, R2, removed non-Boeing-STC-converted freighter airplanes from the effectivity and changed the initial compliance time for the converted freighter airplanes to flight cycles after freighter conversion redelivery.

We disagree with withdrawing the NPRM and reissuing a new NPRM requiring compliance with ASB 757–52A0094, R2, because doing so would unnecessarily delay issuance of the final rule. Additionally, the compliance time can be corrected in the final rule without the need for a supplemental NPRM since the corrected compliance time will provide additional time for the converted freighter airplanes and will not reduce the initial compliance time for any airplane. We have revised this AD to refer to ASB 757–52A0094, R2, as the appropriate source of service information. We have also added paragraph (i) to this AD to provide credit for actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 757–52A0094, dated December 23, 2015; or ASB 757–52A0094, R1. We have redesignated subsequent paragraphs accordingly.

Request To Correct Manual Reference in the Service Information

United Parcel Service (UPS) requested that we revise paragraph (h) of the

proposed AD to specify use of Airplane Maintenance Manual (AMM) 52–32–11 in lieu of Component Maintenance Manual (CMM) 52–32–03 for the cam and bell-crank assembly installation. UPS explained that Boeing Alert Service Bulletin 757–52A0094, dated December 23, 2015, included an incorrect manual reference.

We partially agree with the commenter's request. We agree that the manual reference is incorrect in Boeing Alert Service Bulletin 757–52A0094, dated December 23, 2015. The incorrect reference was changed in ASB 757–52A0094, R2, and, as explained previously, ASB 757–52A0094, R2, is referenced as the appropriate source of service information in this AD. No further change is necessary in this regard.

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 Boeing Alert Service Bulletin 757–52A0094, Revision 2, dated May 2, 2017. This service information describes procedures for an ultrasonic inspection of the cam support assemblies of the main cargo door, and replacement of the cam support assemblies. 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.

Costs of Compliance

We estimate that this AD will affect 212 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
Inspection	6 work-hours × $85 per hour = $510 per inspection cycle.	$0	$510 per inspection cycle	$108,120 per inspection cycle.

We estimate the following costs to do any necessary replacements that would be required based on the results of the inspection. We have no way of determining the number of aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement (per pair of cam support assemblies)	60 work-hours × $85 per hour = $5,100	$15,298	$20,398

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 transport category airplanes to the Director of the System Oversight Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2017–19–10 The Boeing Company: Amendment 39–19040; Docket No. FAA–2016–9185; Product Identifier 2016–NM–077–AD.

(a) Effective Date

This AD is effective October 27, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 757–200, –200PF, and –200CB series airplanes, certificated in any category, equipped with a main cargo door (MCD), except those airplanes that have been converted from a passenger to freighter configuration in accordance with Supplemental Type Certificate ST01529SE (*http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgstc.nsf/0/9c0283b6ce0b9ff18625806b007340b9/$FILE/ST01529SE.pdf*).

(d) Subject

Air Transport Association (ATA) of America Code 52, Doors.

(e) Unsafe Condition

This AD was prompted by an analysis of the cam support assemblies of the MCD that indicated that the existing maintenance program for the cam support assemblies is not adequate to reliably detect cracks before two adjacent cam support assemblies could fail. We are issuing this AD to detect and correct cracking of the cam support assemblies of the MCD, which could result in reduced structural integrity of the MCD and consequent rapid decompression of the airplane.

(f) Compliance

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

(g) Inspection To Determine Part Numbers

At the later of the times specified in paragraphs (g)(1) and (g)(2) of this AD: Inspect the cam support assemblies of the MCD to determine whether part number (P/N) 69–23588–5, 69–23588–6, 69–23588–7, 69–23588–8, 69–23588–9, or 69–23588–10 is installed. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number(s) of the cam support assemblies of the MCD can be conclusively determined from that review.

(1) Before the accumulation of 18,000 total flight cycles since installation of the MCD. If the flight cycles since installation of the MCD are not known, use total airplane flight cycles.

(2) Within 2,743 flight cycles or 27 months after the effective date of this AD, whichever occurs later.

(h) Inspections and Corrective Actions

If, during the inspection required by paragraph (g) of this AD, any cam support assembly of the MCD having P/N 69–23588–5, 69–23588–6, 69–23588–7, 69–23588–8, 69–23588–9, or 69–23588–10 is determined to be installed: At the later of the times specified in paragraphs (g)(1) and (g)(2) of this AD, do an ultrasonic inspection to detect cracking of the affected cam support assemblies of the MCD; and do all applicable replacements; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 757–52A0094, Revision 2, dated May 2, 2017. Do all applicable replacements before further flight. Repeat the inspection thereafter at intervals not to exceed 6,000 flight cycles. Replacement of a cam support assembly of the MCD does not terminate the repetitive inspections required by this paragraph.

(i) Credit for Previous Actions

This paragraph provides credit for actions required by paragraph (h) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin 757–52A0094, dated December 23, 2015; or Boeing Alert Service Bulletin 757–52A0094, Revision 1, dated April 21, 2016.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

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

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

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

(k) Related Information

(1) For more information about this AD, contact Chandra Ramdoss, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5239; fax: 562–627–5210; email: *chandraduth.ramdoss@faa.gov.*

(2) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (l)(3) and (l)(4) of this AD.

(l) 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) Boeing Alert Service Bulletin 757–52A0094, Revision 2, dated May 2, 2017.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; Internet *https://www.myboeingfleet.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on September 7, 2017.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–19767 Filed 9–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0494; Product Identifier 2016–NM–126–AD; Amendment 39–19047; AD 2017–19–17]

RIN 2120–AA64

Airworthiness Directives; Dassault Aviation Airplanes

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

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2016–17–02, which applied to certain Dassault Aviation Model FALCON 900EX and FALCON 2000EX airplanes. AD 2016–17–02 required revising the airplane flight manual (AFM) to include procedures to follow when an airplane is operating in icing conditions. AD 2016–17–02 also provided optional actions after which the AFM revision may be removed from the AFM. Since we issued AD 2016–17–02, we have determined additional actions are necessary to address the identified unsafe condition. This new AD retains the requirement of AD 2016–17–02, and also requires a detailed inspection of the wing anti-ice system ducting (anti-ice pipes) for the presence of a diaphragm, and replacement of ducting or re-identification of the ducting part marking. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 27, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 27, 2017.

ADDRESSES: For service information identified in this final rule, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0494.

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–2017–0494; 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 AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is Docket 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: Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2016–17–02, Amendment 39–18615 (81 FR 55366, August 19, 2016) (''AD 2016–17–02''). AD 2016–17–02 applied to certain Dassault Aviation Model FALCON 900EX and FALCON 2000EX airplanes. The NPRM published in the **Federal Register** on May 30, 2017 (82 FR 24606).

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency Airworthiness Directive 2016–0130–E, dated July 5, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Dassault Aviation Model FALCON 900EX and FALCON 2000EX airplanes. The MCAI states:

> A design review of in production aeroplanes identified a manufacturing deficiency of some wing anti-ice system ducting.
>
> This condition, if not detected and corrected, could lead to an undetected reduced performance of the wing anti-ice system, with potential ice accretion and ingestion, possibly resulting in degraded engine power and degraded handling characteristics.
>
> The Falcon 900EX EASY and Falcon * * * [2000EX] Aircraft Flight Manuals (AFM) contain a normal procedure 4–200–05A, ''Operations in Icing Conditions'', addressing minimum fan speed rotation (N1) during combined operation of wing anti-ice and engine anti-ice systems. The subsequent investigation demonstrated that the wing anti-ice system performance for aeroplanes equipped with ducting affected by the manufacturing deficiency can be restored increasing N1 value. In addition, Dassault Aviation published Service Bulletin (SB) F900EX–464 (for Falcon 900EX aeroplanes) and SB F2000EX–393 (for Falcon 2000EX aeroplanes), providing instructions for wing anti-ice system ducting inspection.
>
> For the reasons described above, this [EASA] AD requires an AFM amendment and a one-time [detailed] inspection of the wing anti-ice system ducting [and, as applicable, a check of the part number,] and, depending on findings, re-identification or replacement of the wing anti-ice system ducting.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0494.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting this AD as proposed except for 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.

Related Service Information Under 1 CFR Part 51

Dassault has issued Service Bulletin F900EX–464, dated June 20, 2016; and Service Bulletin F2000EX–393, dated June 20, 2016. This service information describes procedures for an inspection of the wing anti-ice system ducting and re-identification or replacement of the wing anti-ice system ducting. These documents are distinct since they apply to different airplane models. 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.

Costs of Compliance

We estimate that this AD affects 52 airplanes of U.S. registry.

The action required by AD 2016–17–02, and retained in this AD, takes about 1 work-hour per product, at an average labor rate of $85 per work-hour. Based on these figures, the estimated cost of

the action that is required by AD 2016–17–02 is $85 per product.

We also estimate that it will take about 4 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this AD on U.S. operators to be $17,680, or $340 per product.

In addition, we estimate that any necessary follow-on actions will take about 19 work-hours and require parts costing $24,000, for a cost of $25,615 per product. We have no way of determining the number of aircraft that might need these actions.

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 transport category airplanes to the Director of the System Oversight Division.

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

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 removing Airworthiness Directive (AD) 2016–17–02, Amendment 39–18615 (81 FR 55366, August 19, 2016), and adding the following new AD:

2017–19–17 Dassault Aviation: Amendment 39–19047; Docket No. FAA–2017–0494; Product Identifier 2016–NM–126–AD.

(a) Effective Date

This AD is effective October 27, 2017.

(b) Affected ADs

This AD replaces AD 2016–17–02, Amendment 39–18615 (81 FR 55366, August 19, 2016) (''AD 2016–17–02'').

(c) Applicability

This AD applies to the Dassault Aviation airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certificated in any category.

(1) Model FALCON 900EX airplanes, serial numbers (S/Ns) 270 through 291 inclusive and 294.

(2) Model FALCON 2000EX airplanes, S/Ns 263 through 305 inclusive, 307 through 313 inclusive, 315, 320, and 701 through 734 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 30, Ice and Rain Protection.

(e) Reason

This AD was prompted by a design review of in-production airplanes that identified a deficiency in certain wing anti-ice system ducting. We are issuing this AD to detect and correct a deficiency in the wing anti-ice system ducting, which could result in reduced performance of the wing anti-ice system with potential ice accretion and ingestion, and could result in degraded engine power and degraded handling characteristics.

(f) Compliance

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

(g) Retained Revision to the Airplane Flight Manual (AFM), With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2016–17–02, with no changes.

(1) For Model FALCON 900EX airplanes on which the actions specified in Dassault Service Bulletin F900EX–464 have not been accomplished: Within 10 flight cycles after September 6, 2016 (the effective date of AD 2016–17–02), revise Section 4–200–05A, ''OPERATION IN ICING CONDITIONS,'' of the Model Falcon 900EX AFM to include the information in figure 1 to paragraph (g)(1) of this AD, and thereafter operate the airplane accordingly. The AFM revision may be done by inserting a copy of this AD into the AFM.

BILLING CODE 4910–13–P

Figure 1 to Paragraph (g)(1) of this AD – *Operation in Icing Conditions*

Wings Anti-Ice System Operation

During in-flight operation of a wings anti-ice system (WINGS ANTI-ICE) maintain the N1 of all engines equal to or more than the values defined in Table 1, as applicable to atmospheric condition.

Table 1

New Minimum N1 values required during in-flight operation of a wings anti-ice system

Three operative engines:

TAT	– 30 to – 20 °C	– 20 to – 10 °C	– 10 to 0 °C	0 to + 10 °C
Above 20,000 ft	79%	75%	71%	66%
From 20,000 ft to 10,000 ft	76%	73%	66%	59%
Below 10,000 ft	68%	66%	61%	58%

These new values include 3% increase compared to former values (4-200-05A page 1/2).

Two operative engines:

TAT	– 30 to – 20 °C	– 20 to – 10 °C	– 10 to 0 °C	0 to + 10 °C
Above 20,000 ft	86%	82%	78%	73%
From 20,000 ft to 10,000 ft	83%	80%	73%	66%
Below 10,000 ft	75%	73%	68%	65%

These new values include 3% increase compared to former values (4-200-05A page 1/2).

TAT – Total Air Temperature

Note 1: Maintaining the N1 above the minimum anti-ice N1 on all engines may lead to exceedance of approach speed. Early approach or landing configuration of an airplane and/or application of airbrakes may be used to control the airspeed. In approach and landing and for a limited duration up to three minutes, selection of N1 speeds below the minimum anti-ice N1 speed is authorized. In this case it is necessary to disengage the autothrottle.

Effectivity: F900EX (LX variant) S/N 270 to 291, 294 without Dassault Aviation SB F900EX-464.

(2) For Model FALCON 2000EX airplanes on which the actions specified in Dassault Service Bulletin F2000EX–393 have not been accomplished: Within 10 flight cycles after September 6, 2016 (the effective date of AD 2016–17–02), revise Section 4–200–05A, ''OPERATION IN ICING CONDITIONS,'' of the Model Falcon 2000EX AFM to include the information in figure 2 to paragraph (g)(2) of this AD, and thereafter operate the airplane accordingly. The AFM revision may be done by inserting a copy of this AD into the AFM.

Figure 2 to Paragraph (g)(2) of this AD – *Operation in Icing Conditions*

Wing Anti Ice System Operation

During in-flight operation of a wing anti-ice system (WING ANTI-ICE) maintain the N1 of both engines equal to or more than the values defined in Table 1, as applicable to atmospheric condition.

Table 1
New Minimum N1 values required during in-flight operation of a wing anti-ice system

Two engines operative minimum N1:

TAT / Z	-30 °C	-15 °C	0 °C	+10 °C
31,000 ft	74.6	67.6	52.8	52.8
22,000 ft	72.4	63.7	52.8	52.1
3,000 ft	57.3	54.9	49.4	48.8
0 ft	54.9	54.9	49.4	48.8

These new values include 2% increase compared to former values (4-200-05A page 1/2).

One engine operative or one bleed inoperative minimum N1:

TAT / Z	-30 °C	-15 °C	0 °C	+10 °C
31,000 ft	82.4	77.0	64.0	58.0
22,000 ft	79.2	72.0	59.8	56.6
3,000 ft	71.2	66.4	59.8	49.3
0 ft	64.2	63.7	59.8	49.3

These new values include 2% increase compared to former values (4-200-05A page 1/2).

TAT – Total Air Temperature
Z - Altitude

Note 1: Maintaining the N1 above the minimum anti-ice N1 on all engines may lead to exceedance of approach speed. Early approach or landing configuration of an aeroplane and/or application of airbrakes may be used to control the airspeed. In approach and landing and for a limited duration up to three minutes, selection of N1 speeds below the minimum anti-ice N1 speed is authorized. In this case it is necessary to disengage the autothrottle.

Effectivity: F2000EX (LX/S variants) S/N 263 to 305, 307 to 313, 315, 320, 701 to 734 without Dassault Aviation SB F2000EX-393.

BILLING CODE 4910–13–C

(h) New Actions: Inspection, Part Replacement, Part Re-Identification

Within 9 months after the effective date of this AD: Do a detailed inspection of the wing anti-ice system ducting (anti-ice pipes) for the presence of a diaphragm, and do all applicable actions specified in paragraph (h)(1) or (h)(2) of this AD, in accordance with the Accomplishment Instructions of Dassault Service Bulletin F900EX–464, dated June 20, 2016; or Service Bulletin F2000EX–393, dated June 20, 2016; as applicable. After the applicable actions specified in paragraph (h)(1) or (h)(2) of this AD have been completed, the AFM revision required by

paragraph (g) of this AD may be removed from the AFM for that airplane.

(1) If during the inspection required by the introductory text to paragraph (h) of this AD it is determined that a diaphragm is present: Before further flight, replace the wing anti-ice system ducting.

(2) If during the inspection required by the introductory text to paragraph (h) of this AD it is determined that a diaphragm is not present: Before further flight, do a check of the anti-ice pipe part number and re-identify the wing anti-ice system ducting.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Section, Transport Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Section, send it to the attention of the person identified in paragraph (j)(2) of this AD. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* 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.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Dassault Aviation's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Emergency AD 2016–0130–E, dated July 5, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0494.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone 425–227–1137; fax 425–227–1149.

(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 this AD specifies otherwise.

(i) Dassault Aviation Service Bulletin F900EX–464, dated June 20, 2016.

(ii) Dassault Aviation Service Bulletin F2000EX–393, dated June 20, 2016.

(3) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201–440–6700; Internet *http://www.dassaultfalcon.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on September 7, 2017.

Jeffrey E. Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–19766 Filed 9–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0511; Product Identifier 2016–NM–176–AD; Amendment 39–19036; AD 2017–19–06]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

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

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain Bombardier, Inc. Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601 Variant), and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes. This AD was prompted by a new life limitation that has been introduced for the side brace fitting shaft and side brace-to-airplane fitting pin of the main landing gear (MLG). This AD requires revising the maintenance or inspection program. This AD also requires an inspection to identify the serial number, to serialize, and to record the accumulated life of the side brace fitting shaft of the MLG. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective October 27, 2017.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of October 27, 2017.

ADDRESSES: For service information identified in this final rule, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0511.

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–2017–0511; 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 AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone 800–647–5527) is Docket 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: Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

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 Bombardier, Inc. Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601 Variant), and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes. The NPRM published in the **Federal Register** on June 7, 2017 (82 FR 26403) (''the NPRM'').

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2016–17R2, dated June 29, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the

MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model CL–600–1A11 (CL–600), CL–600–2A12 (CL–601 Variant), and CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes. The MCAI states:

> Based on in-service experience, a new life limitation has been introduced for the following side brace fitting shaft part numbers:
> • 600–10237–1/–5
> • 600–10237–3
> • 601R10237–1/–3
>
> In order to facilitate identification and tracking, the component must be identified and serialized. Bombardier has revised the Time Limits/Maintenance Checks (TLMC) Manual to include new life limits and issued Service Bulletins (SB) for serialization of the affected parts.
>
> The original version of this [Canadian] AD was issued to mandate the incorporation of the new TLMC life limits as well as identification and serialization of the affected parts. The revision 1 of this [Canadian] AD was issued * * * June [10,] 2016 to correct a typographic error in Table A of the Corrective Actions section. The revision 2 of this [Canadian] AD is being issued to correct/update the TLMC data in Table A of the Corrective Actions section.

Required actions include an inspection to identify the serial number, to serialize, and to record the accumulated life of the side brace fitting shaft of the MLG. The unsafe condition is the loss of structural integrity of the affected part. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0511.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Conclusion

We reviewed the relevant data and determined that air safety and the public interest require adopting this AD as proposed except for 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.

Related Service Information Under 1 CFR Part 51

We have reviewed the following service information. This service information describes the life limits for the side brace fitting shaft and side brace-to-airplane fitting pin of the MLG. This service information is distinct since it applies to different airplane models in different configurations.

• Section 5–10–10, Time Limits (Structural), of the Airworthiness Limitations, of the Bombardier Challenger 600 Time Limits/Maintenance Checks Manual, Publication No. PSP 605, Revision 37, dated April 29, 2016.

• Section 5–10–10, Time Limits (Structural)—Pre SB 601–0280, of the Airworthiness Limitations, of the Bombardier Challenger 601 Time Limits/Maintenance Checks Manual, Publication No. PSP 601–5, Revision 42, dated April 22, 2014.

• Section 5–10–10, Time Limits (Structural), of the Airworthiness Limitations, of the Bombardier Challenger 601 Time Limits/Maintenance Checks Manual, Publication No. PSP 601A–5, Revision 38, dated April 22, 2014.

• Section 5–10–10, Life Limits (Structures), of Part 2, Airworthiness Limitations, of the Bombardier Challenger CL–604 Time Limits/Maintenance Checks Manual, Publication No. CH 604 TLMC, Revision 26, dated June 9, 2016.

• Section 5–10–10, Life Limits (Structures) to Part 2, Airworthiness Limitations, of the Bombardier Challenger CL–605 Time Limits/Maintenance Checks Manual, Publication No. CH 605 TLMC, Revision 14, dated June 9, 2016.

We have also reviewed the following service information. This service information describes procedures for an inspection to identify the serial number, to serialize, and to record the accumulated life of the side brace fitting shaft of the MLG. The service bulletins are distinct since they apply to different airplane models.

• Bombardier Service Bulletin 600–0768, dated September 9, 2014.

• Bombardier Service Bulletin 601–0636, Revision 01, dated May 10, 2016.

• Bombardier Service Bulletin 604–57–005, dated September 9, 2014.

• Bombardier Service Bulletin 605–57–003, dated September 9, 2014.

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.

Costs of Compliance

We estimate that this AD affects 133 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
Maintenance or inspection program revision	1 work-hour × $85 per hour = $85	$0	$85	$11,305
Inspection, identification, serialization, and recording.	1 work-hour × $85 per hour = $85	33	118	15,694

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 transport category airplanes to the Director of the System Oversight Division.

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

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):

2017–19–06 Bombardier, Inc.: Amendment 39–19036; Docket No. FAA–2017–0511; Product Identifier 2016–NM–176–AD.

(a) Effective Date

This AD is effective October 27, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the airplanes specified in paragraphs (c)(1) through (c)(3) of this AD, certificated in any category.

(1) Bombardier, Inc. Model CL–600–1A11 (CL–600) airplanes, serial numbers 1004 through 1085 inclusive.

(2) Bombardier, Inc. Model CL–600–2A12 (CL–601 Variant) airplanes, serial numbers 3001 through 3066 inclusive.

(3) Bombardier, Inc. Model CL–600–2B16 (CL–601–3A, CL–601–3R, and CL–604 Variants) airplanes, serial numbers 5001 through 5194 inclusive; serial numbers 5301 through 5665 inclusive, and serial numbers 5701 through 5851 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by a new life limitation that has been introduced for the side brace fitting shaft and side brace-to-airplane fitting pin of the main landing gear (MLG). We are issuing this AD to prevent the loss of structural integrity of the affected part.

(f) Compliance

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

(g) Revision of Maintenance or Inspection Program

Within 30 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, by incorporating the life limits for the side brace fitting shaft and side brace-to-airplane fitting pin of the MLG, as applicable, identified in table 1 to paragraph (g) of this AD. The initial compliance time for accomplishing the replacement is at the applicable time in the Bombardier Time Limits/Maintenance Checks (TLMC) Manual revisions specified in table 1 to paragraph (g) of this AD, or within 30 days after the effective date of this AD, whichever occurs later.

TABLE 1 TO PARAGRAPH (g) OF THIS AD—LIFE LIMITS FOR THE AFFECTED PARTS

Airplane model (serial Nos. (S/Ns))	Part name	Part No.	TLMC manual No.	Section	Revision No.	Revision date
CL–600–1A11 (S/Ns 1004 through 1085 inclusive).	MLG Side Brace-to-Airplane Fitting Pin.	600–10237-1/–5	PSP 605	5–10–10	37	April 29, 2016.
CL–600–2A12 (S/N 3001–3066 inclusive).	MLG Side Brace-to-Airplane Fitting Pin.	600–10237–3	PSP 601–5	5–10–10	42	April 22, 2014.
CL–600–2B16 (S/Ns 5001–5194 inclusive).	MLG Side Brace-to-Airplane Fitting Pin.	600–10237–3	PSP 601A–5	5–10–10	38	April 22, 2014.
CL–600–2B16 (S/Ns 5301–5665 inclusive).	MLG Side Brace Fitting Shaft.	601R10237–1/–3	CL–604	5–10–10 (Part 2)	26	June 9, 2016.
CL–600–2B16 (S/Ns 5701–5851 inclusive).	MLG Side Brace Fitting Shaft.	601R10237–1/–3	CL–605	5–10–10 (Part 2)	14	June 9, 2016.

(h) Inspection, Serialization, and Recording of Life Limited Parts

Within 48 months after the effective date of this AD: Inspect to identify the serial number, serialize, and record the accumulated life of the side brace fitting shaft of the MLG, as applicable, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraphs (h)(1) through (h)(4) of this AD.

(1) For CL–600–1A11 airplanes (S/Ns 1004 through 1085 inclusive): Bombardier Service Bulletin 600–0768, dated September 9, 2014.

(2) For CL–600–2A12 (S/Ns 3001 through 3066 inclusive) and CL–600–2B16 airplanes (S/Ns 5001 through 5194 inclusive): Bombardier Service Bulletin 601–0636, Revision 01, dated May 10, 2016.

(3) For CL–600–2B16 airplanes (S/Ns 5301 through 5665 inclusive): Bombardier Service Bulletin 604–57–005, dated September 9, 2014.

(4) For CL–600–2B16 airplanes (S/Ns 5701 through 5851 inclusive): Bombardier Service Bulletin 605–57–003, dated September 9, 2014.

(i) No Reporting Requirement

Although the service information identified in paragraphs (h)(1) through (h)(4) of this AD specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) No Alternative Actions and Intervals

After the maintenance or inspection program has been revised, as applicable, as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k)(1) of this AD.

(k) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs)

The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending

information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; fax 516–794–5531. 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.

(2) Contacting the Manufacturer

For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(l) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian Airworthiness Directive CF–2016–17R2, dated June 29, 2016, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0511.

(2) For more information about this AD, contact Aziz Ahmed, Aerospace Engineer, Airframe and Mechanical Systems Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7329; fax 516–794–5531.

(m) 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 this AD specifies otherwise.

(i) Section 5–10–10, Time Limits (Structural), of the Airworthiness Limitations, of the Bombardier Challenger 600 Time Limits/Maintenance Checks Manual, Publication No. PSP 605, Revision 37, dated April 29, 2016. The revision level is only identified in the Record of Revisions.

(ii) Section 5–10–10, Time Limits (Structural)—Pre SB 601–0280, of the Airworthiness Limitations, of the Bombardier Challenger 601 Time Limits/Maintenance Checks Manual, Publication No. PSP 601–5, Revision 42, dated April 22, 2014. The revision level is only identified in the Record of Revisions.

(iii) Section 5–10–10, Time Limits (Structural), of the Airworthiness Limitations, of the Bombardier Challenger 601 Time Limits/Maintenance Checks Manual, Publication No. PSP 601A–5, Revision 38, dated April 22, 2014. The revision level is only identified in the Record of Revisions.

(iv) Section 5–10–10, Life Limits (Structures), of Part 2, Airworthiness Limitations, of the Bombardier Challenger CL–604 Time Limits/Maintenance Checks Manual, Publication No. CH 604 TLMC, Revision 26, dated June 9, 2016. The revision level is only identified in the Record of Revisions.

(v) Section 5–10–10, Life Limits (Structures) to Part 2, Airworthiness Limitations, of the Bombardier Challenger CL–605 Time Limits/Maintenance Checks Manual, Publication No. CH 605 TLMC, Revision 14, dated June 9, 2016. The revision level is only identified in the Record of Revisions.

(vi) Bombardier Service Bulletin 600–0768, dated September 9, 2014.

(vii) Bombardier Service Bulletin 601–0636, Revision 01, dated May 10, 2016.

(viii) Bombardier Service Bulletin 604–57–005, dated September 9, 2014.

(ix) Bombardier Service Bulletin 605–57–003, dated September 9, 2014.

(3) For service information identified in this AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; Widebody Customer Response Center North America toll-free telephone 1–866–538–1247 or direct-dial telephone 1–514–855–2999; fax 514–855–7401; email *ac.yul@aero.bombardier.com;* Internet *http://www.bombardier.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on September 7, 2017.

Jeffrey E, Duven,

Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2017–19654 Filed 9–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9588; Airspace Docket No. 16–AAL–5]

Amendment of Class E Airspace, Soldotna, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace extending upward from 700 feet above the surface at Soldotna Airport, Soldotna, AK. After review of the airspace, the FAA found redesign necessary due to procedure modifications. This action also removes reference to the Soldotna non-directional radio beacon (NDB) in the legal description and updates the geographic coordinates of the airport. This action enhances the safety and management of IFR operations at the airport and of aircraft within the National Airspace System.

DATES: Effective 0901 UTC, December 7, 2017. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–8783.

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

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

FOR FURTHER INFORMATION CONTACT: Robert LaPlante, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4566.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends Class E airspace at Soldotna Airport, Soldotna, AK, to conform the airspace size necessary for the current instrument flight rules (IFR) operations under standard instrument approach and departure procedures at the airport.

History

On March 23, 2017, the FAA published in the **Federal Register** (82 FR 14839) Docket FAA–2016–9588 a notice of proposed rulemaking to modify Class E airspace extending upward from 700 feet above the surface at Soldotna Airport, Soldotna, AK. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received to the proposed rule.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 modifies Class E airspace extending upward from 700 feet above the surface at Soldotna Airport, Soldotna, AK. The segment extending from the 10.1-mile radius of the airport within 4 miles either side of the 270° bearing of the Soldotna NDB is revised from 4 miles to 2.4 miles with the reference to the NDB changed to the Soldotna Airport.

The segment extending from the 10.1-mile radius to 21 miles west of Soldotna Airport is modified to 11 miles west of the airport.

The segment within 4 miles south of the 090° bearing of Soldotna Airport is revised to 3.5 miles. This action is necessary because the airspace as previously configured exceeded the minimum size required for current arrivals and departures.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

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

* * * * *

AAL AK E5 Soldotna, AK [Modified]

Soldotna, Soldotna Airport, AK
(Lat. 60°28′31″ N., long. 151°02′23″ W.)

That airspace extending upward from 700 feet above the surface within a 10.1-mile radius of the Soldotna Airport and within 2.4 miles either side of the 270° bearing of Soldotna Airport, extending from the 10.1-mile radius to 11 miles west of the airport, and within 3.5 miles either side of the 090° bearing of Soldotna Airport, AK, extending from the 10.1-mile radius to 14.3 miles east of the airport; and that airspace extending upward from 1,200 feet above the surface within a 73-mile radius of Soldotna Airport.

Issued in Seattle, Washington, on September 14, 2017.

B.G. Chew,

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

[FR Doc. 2017–20042 Filed 9–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

[SATS No. IN–164–FOR; Docket ID: OSM–2016–0004; S1D1S SS08011000 SX064A000 178S180110; S2D2S SS08011000 SX064A000 17XS501520]

Indiana Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are approving an amendment to the Indiana Abandoned Mine Land Reclamation (AML) Plan (Indiana Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Updates to the Indiana Plan were proposed to be consistent with changes required by the 2006 amendment to SMCRA.

DATES: Effective October 23, 2017.

FOR FURTHER INFORMATION CONTACT: Len V. Meier, Chief, Alton Field Division, Office of Surface Mining Reclamation and Enforcement, 501 Belle Street, Suite 216, Alton, IL 62002–6169. Telephone: (618) 463–6463. Email: *lmeier@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Indiana Plan
II. Submission of the Amendment
III. OSMRE's Findings
IV. Summary and Disposition of Comments
V. OSMRE's Decision
VI. Procedural Determinations

I. Background on the Indiana Plan

The Abandoned Mine Land Reclamation Program (AML) was established by Title IV of the Act, in response to concerns over extensive environmental damage caused by past coal mining activities. The program is

funded by a reclamation fee collected on each ton of coal that is produced. The money collected is used to finance the reclamation of abandoned coal mines and for other authorized activities. Section 405 of the Act allows States and Indian Tribes to assume exclusive responsibility for reclamation activity within the State or on Indian lands if they develop and submit, to the Secretary of the Interior for approval, a program (often referred to as a Plan) for the reclamation of abandoned coal mines. You can find background information on the Indiana Plan, including the Secretary's findings, the disposition of comments, and the approval of the Plan in the July 26, 1982, **Federal Register** (47 FR 32108). You can find later actions concerning the Indiana Plan and amendments to the Indiana Plan at 30 CFR 914.20 and 914.25.

II. Description of the Proposed Amendment

By letter dated March 14, 2016 (Administrative Record No. IN–1773), Indiana sent OSMRE an amendment to the Indiana Plan at its own initiative.

On July 14, 2016, we announced receipt of the proposed amendment in the **Federal Register** (81 FR 45425). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. We did not hold a public hearing or meeting because no one requested one. The public comment period ended on August 15, 2016. We did not receive any public comments.

III. OSMRE's Findings

We are approving the amendment as described below. The following are the findings we made concerning Indiana's amendment under SMCRA and the Federal regulations at 30 CFR 884.14 and 884.15. Any revisions that we do not specifically discuss below concerning non-substantive wording or editorial changes can be found in the full text of the Plan amendment available at *www.regulations.gov.*

Indiana Plan

1. Letter of Designation From the Governor [30 CFR 884.13(a)(1)]

Indiana resubmitted a 1981 letter from the Governor designating the Indiana Department of Natural Resources (Indiana DNR) as the agency responsible for the abandoned mine lands reclamation program in the state of Indiana. This letter was submitted and approved as part of the original proposed Indiana Plan and is consistent with the Federal requirements of 30 CFR 884.13(a)(1).

2. Legal Opinion [30 CFR 884.13(a)(2)]

Indiana resubmitted a 1981 legal opinion from the Attorney General of Indiana authorizing the Indiana DNR, under the legal authority of the Indiana Code, to conduct its reclamation program in accordance with the requirements of Title IV of the Act. This legal opinion was submitted and approved as part of the original proposed Indiana Plan and is consistent with the Federal requirements of 30 CFR 884.13(a)(2).

3. Goals and Objectives [30 CFR 884.13(a)(3)(i)]

Part 884.13(c)(1) of the Indiana Plan, states that the goal of its AML program is to address the adverse effects of past coal mining conducted prior to August 3, 1977, which impact public health, safety, or general welfare, and cause environmental degradation. The stated objectives of the AML program are to identify and prioritize these adverse impacts, provide planning procedures, and ensure their ultimate reclamation. Indiana also stated that, although the primary purpose of the program is the reclamation of coal mine lands, any non-coal AML issues will be dealt with in accordance with OSMRE policies. Indiana DNR sets aside a percentage of each year's allocation of AML funds into separate funds for both the restoration of eligible lands and waters and for the abatement of the causes and treatment of the effects of acid mine drainage. Both funds are used in accordance with the requirements and priorities of SMCRA. These program goals and objectives are consistent with the Federal requirements of 30 CFR 884.13(a)(3)(i). Therefore, we are approving their inclusion.

4. Reclamation Project Ranking and Selection Procedures [30 CFR 884.13(a)(3)(ii)]

Part 884.13(c)(2) of the Indiana Plan, describes the priority system and the specific criteria for identifying and ranking all sites eligible for reclamation under Title IV of the Act. Examples of eligible site problems include: Open and unprotected mine entries; water filled, or partially filled shafts; dangerous highwalls and other steep embankments; hazardous mine structures; underground mine subsidence; trash dumps; water bodies impaired by coal mine drainage; coal refuse areas; spoil areas; and any other mine related danger. The sites given highest priority are those exhibiting extreme danger of adverse effects of coal mining practices. The sites given the second highest priority are those adversely impacting public health and safety. The sites given third priority are those which cause the environmental degradation of soil, water, air quality, woodlands, fish and wildlife, recreational resources, and agricultural productivity. Indiana also describes Indiana DNR's data acquisition procedures in determining site eligibility, which include the review of past mining records, surveys, field investigations, and public input. Indiana explains that site priority will be determined for all eligible sites, regardless of resource recovery potential, and that any resource recovery will be undertaken in accordance with Federal rules. Any remined sites will remain eligible for AML reclamation. Part 884.13(e)(1)(2) of the Indiana Plan, includes a list of documents and data sources concerning known or suspected eligible lands and waters within the state of Indiana. These descriptions are consistent with the Federal requirements of 30 CFR 884.13(a)(3)(ii). Therefore, we are approving their inclusion.

5. Coordination With Other Programs [30 CFR 884.13(a)(3)(iii)]

Part 884.13(c)(3) of the Indiana Plan describes Indiana DNR's coordination with other agencies. Indiana DNR coordinates with the Sycamore Trails Resource Conservation & Development Group, a non-profit organization that maintains its own AML program. The two programs share information via a liaison and an Abandoned Mine Land Inventory System database, which lists sites identified by personnel from both programs. Eligibility of these potential sites for the expenditure of AML funds is determined by committee review. Additional coordination with local tribes is not necessary because there are no known Indian lands within the Indiana Coal Region. Indiana also describes the purpose of its AML Emergency Program, which is to stabilize the emergency aspects of an AML problem by eliminating the immediate danger to public health, safety, or general welfare. The AML Emergency Program is discussed further in Section 8, ''Rights of Entry.'' This description of agency coordination is consistent with the Federal requirements of 30 CFR 884.13(a)(3)(iii). Therefore, we are approving its inclusion.

6. Land Acquisition, Management, and Disposal [30 CFR 884.13(a)(3)(iv)]

Part 884.13(c)(4) of the Indiana Plan describes its policies and procedures

regarding land acquisition, management, and disposal. Under the Indiana Plan, all lands that have been adversely affected by coal mining activity are eligible for acquisition, if deemed necessary. These acquisition, management, and disposition policies and procedures are consistent with the Federal requirements of 30 CFR 884.13(a)(3)(iv). Therefore, we are approving their inclusion.

7. Reclamation of Private Land [30 CFR 884.13(a)(3)(v)]

Part 884.13(c)(5) of the Indiana Plan describes Indiana's policies and procedures for reclamation on private land. Under the Indiana Plan, the Indiana DNR has the authority to place or waive a lien against private property if the owner has consented to, participated in, or exercised control over the mining operation, and if reclamation will result in a significant increase in property value. If an initial evaluation suggests an increase in property value of $25,000 or more, the land appraisal may be conducted by an independent appraiser. These policies and procedures are consistent with the Federal requirements of 30 CFR 884.13(a)(3)(v). Therefore, we are approving their inclusion.

8. Rights of Entry [30 CFR 884.13(a)(3)(vi)]

Part 884.13(c)(6) and Part 884.13(c)(3) of the Indiana Plan states its policies and procedures regarding rights of entry to lands or property. Indiana DNR will take all reasonable actions to obtain advanced written consent from the property owner for the purposes of reclamation. In the event that permission cannot be obtained on property where reclamation is needed and there is an immediate danger to public health, safety, or general welfare, police power entry is authorized under the AML Emergency Program. If police power entry is necessary, a written notice shall be mailed to the property owner at least 30 days prior to entry. If the property owner's address is not known, the notice shall be posted on the property and advertised in the newspaper. These policies and procedures are consistent with the Federal requirements of 30 CFR 884.13(a)(3)(vi). Therefore, we are approving their inclusion.

9. Public Participation Policies [30 CFR 884.13(a)(3)(vii)]

Part 884.13(c)(7) of the Indiana Plan, describes its public participation policies in the development and operation of the Indiana Plan. Indiana DNR encourages the public to contact their office with any questions or concerns regarding mining related problems or the AML program. For future projects, Indiana DNR distributes informational letters to Federal, State, and local elected officials, and publishes public notices to news outlets within the county where the proposed activity is located. If sufficient public response is received, DNR will offer public meetings to provide information on proposed activities. Additional public involvement in the preparation of any revisions or amendments to the Indiana Plan will be coordinated and executed by OSMRE during the public comment and review period. These policies and procedures are consistent with the Federal requirements of 30 CFR 884.13(a)(3)(vii). Therefore, we are approving their inclusion.

10. Organization of the Designated Agency [30 CFR 884.13(a)(4)(i)]

Part 884.13(d)(1) of the Indiana Plan describes the organization of the Indiana DNR and its relationship to other state organizations that may become involved in Indiana's AML program. The Indiana DNR Division of Reclamation reports to the DNR Director, via the Deputy Director to the Regulatory Management Team. The Indiana DNR Director reports directly to the Governor. The AML program also coordinates with other DNR divisions on proposed projects and reclamation activities. This description of agency organization is consistent with the Federal requirements of 30 CFR 884.13(a)(4)(i). Therefore, we are approving its inclusion.

11. Personnel Staffing Policies [30 CFR 884.13(a)(4)(ii)]

Part 884.13(d)(2) of the Indiana Plan describes Indiana's personnel staffing policies that will govern the assignment of personnel to its AML program. The program's staff is selected on the basis of applicable academic and professional experience. The Indiana DNR will be responsible for complying with all pertinent Federal and State laws. This description of agency personnel policies is consistent with the Federal requirements of 30 CFR 884.13(a)(4)(ii). Therefore, we are approving its inclusion.

12. Purchasing and Procurement [30 CFR 884.13(a)(4)(iii)]

Part 884.13(d)(3) of the Indiana Plan states that the purchasing and procurement systems used by the Indiana DNR will be in accordance with the requirements of the Office of Management and Budget (OMB) Circular A–102, Attachment 0 and the Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (43 CFR part 12, subpart C). Indiana also described its AML Applicant/Violator System, which ensures that no company owners, director, or major shareholders bidding on AML federally-funded projects have any Federal coal mining violations or state cessation orders that would render them ineligible. These systems are consistent with the Federal requirements of 30 CFR 884.13(a)(4)(iii). Therefore, we are approving their inclusion.

13. Accounting [30 CFR 884.13(a)(4)(iv)]

Part 884.13(d)(4) of the Indiana Plan describes Indiana DNR's accounting system, including procedures for the operation of the Indiana Abandoned Mine Reclamation Fund. AML projects are grant-funded, and detailed financial records are maintained for auditing purposes, in accordance with 30 CFR 886 and OMB Circular A–102. This system description is consistent with the Federal requirements of 30 CFR 884.13(a)(4)(iv). Therefore, we are approving its inclusion.

14. Environmental Problems and Reclamation Techniques [30 CFR 884.13(a)(5)(ii)] [30 CFR 884.13(a)(5)(iii)]

Part 884.13(e)(3) of the Indiana Plan describes the problems occurring on known or suspected lands and waters which require reclamation. A report published by Indiana DNR describes these problems and the suggested reclamation techniques to restore the site to an environmentally stable condition. These descriptions are consistent with the Federal requirements of 30 CFR 884.13(a)(5)(ii) and 30 CFR 884.13(a)(5)(iii). Therefore, we are approving their inclusion.

15. The Economic Base [30 CFR 884.13(a)(6)(i)]

Part 884.13(f)(1) of the Indiana Plan, describes the economic base for Indiana's primary coal producing region, including population size, market accessibility, economic activities, such as agricultural products and manufacturing, and available mining resources. This description is consistent with the Federal requirements of 30 CFR 884.13(a)(6)(i). Therefore, we are approving its inclusion.

16. Significant Aesthetic, Historic, or Cultural, and Recreational Values [30 CFR 884.13(a)(6)(ii)]

Part 884.13(f)(2) of the Indiana Plan describes the aesthetic, historic, and recreational values of southwestern

Indiana. Indiana DNR stated that, to ensure that all potential impacts of the reclamation process are mitigated, the Division of Reclamation will consult with the Division of Historic Preservation and Archaeology. This statement is consistent with the Federal requirements of 30 CFR 884.13(a)(6)(ii). Therefore, we are approving its inclusion.

17. Flora and Fauna of Southwestern Indiana [30 CFR 884.13(a)(6)(iii)]

Indiana stated that, during the planning stages of proposed AML reclamation projects, evaluations are conducted by Indiana DNR to determine the presence of wetlands, endangered species, and other environmental concerns. Recommendations are then provided to enhance or improve wetlands and critical wildlife habitat. During this process, Indiana DNR consults with the U.S. Fish and Wildlife Service to determine whether the project will adversely affect any Federally-listed threatened or endangered species. Indiana DNR also coordinates with the Indiana Division of Nature Preserves to identify any unique natural habitats for protection and mitigation. These descriptions are consistent with the Federal requirements of 30 CFR 884.13(a)(6)(iii). Therefore, we are approving their inclusion.

18. Locations of Documented Surface and Underground Coal Mines in Southwestern Indiana [30 CFR 884.13(a)(5)(i)]

Indiana included a map showing the general location of known or suspected eligible lands and waters within Indiana which require reclamation. This map is consistent with the Federal requirements of 30 CFR 884.13(a)(5)(i). Therefore, we are approving its inclusion.

IV. Summary and Disposition of Comments

Public Comments

OSMRE solicited public comments and provided an opportunity for a public hearing on the amendment of the Indiana Plan. No public comments were received and because no one requested an opportunity to speak at a public hearing, no hearing was held.

Federal Agency Comments

On May 4, 2016, under 30 CFR 884.14(a)(2), we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Indiana plan (Administrative Record No. IN–1773). We did not receive any comments.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

On May 4, 2016, we requested comments on the Indiana Plan amendment (Administrative Record No. IN–1773), from the SHPO and the ACHP, but neither responded to our request.

V. OSMRE's Decision

Based on the above findings, we approve the amendment Indiana sent us on March 14, 2016 (Administrative Record No. IN–1773).

To implement this decision, we are amending the Federal regulations at 30 CFR part 914, which codify decisions concerning the Indiana Plan. In accordance with the Administrative Procedure Act, this rule will take effect 30 days after the date of publication. Section 503(a) of SMCRA requires that the State's program demonstrate that the State has the capability of carrying out the provisions of the Act and meeting its purposes. SMCRA requires consistency of State and Federal standards.

VI. Procedural Determinations

Executive Order 12630—Takings

This rulemaking does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

Executive Order 12866—Regulatory Planning and Review

This rulemaking is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that this rulemaking meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State AML programs and program amendments because each program is drafted and promulgated by a specific state, not by OSMRE. Under section 405 of SMCRA (30 U.S.C. 1235) and the Federal regulations at 30 CFR 884.14 and 884.15, decisions on proposed State AML programs and program amendments submitted by the states must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR part 884 have been met.

Executive Order 13132—Federalism

This rulemaking does not have Federalism implications. SMCRA delineates the roles of the Federal and state governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that state laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that state programs contain rules and regulations ''consistent with'' regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rulemaking on Federally-recognized Tribes and have determined that the rulemaking does not have substantial direct effects on one or more Tribes, on the relationship between the Federal government and Tribes, or on the distribution of power and responsibilities between the Federal government and Tribes. The basis for this determination is that our decision is on a state AML program and does not involve Federal regulations involving Indian lands.

Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy

Executive Order 13211 of May 18, 2001, requires agencies to prepare a Statement of Energy Effects for a rulemaking that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rulemaking is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

National Environmental Policy Act

This rule does not require an environmental impact statement because it is deemed a categorical exclusion within the meaning of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)). It is documented in

the DOI Departmental Manual 516 DM 13.5(B)(29), that agency decisions on approval of state reclamation plans for abandoned mine lands do not constitute major Federal actions.

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rulemaking, is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rulemaking is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rulemaking: (a) Does not have an annual effect on the economy of $100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon the fact that the State submittal, which is the subject of this rulemaking, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rulemaking.

Unfunded Mandates

This rulemaking will not impose an unfunded mandate on state, local, or Tribal governments or the private sector of $100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rulemaking, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

List of Subjects in 30 CFR Part 914

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 12, 2017.

Alfred L. Clayborne,

Regional Director, Mid-Continent Region.

For the reasons set out in the preamble, 30 CFR part 914 is amended as set forth below:

PART 914—INDIANA

■ 1. The authority citation for part 914 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Section 914.25 is amended in the table by adding an entry in chronological order by ''Date of final publication'' to read as follows:

§ 914.25 Approval of Indiana abandoned mine land reclamation plan amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* *	* *	* * * * *
March 14, 2016	September 22, 2017	Abandoned Mine Land Reclamation Plan for the State of Indiana.

[FR Doc. 2017–20265 Filed 9–21–17; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0865]

Drawbridge Operation Regulation; Napa River, Vallejo, CA

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 Mare Island Drawbridge across the Napa River, mile 2.8 at Vallejo, CA. The deviation is necessary to allow the community to participate in the Waterfront Weekend Triathlon. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

DATES: This deviation is effective from 8 a.m. through 11:30 a.m. on October 8, 2017.

ADDRESSES: The docket for this deviation, USCG–2017–0865, 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 Carl T. Hausner, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516; email *Carl.T.Hausner@uscg.mil.*

SUPPLEMENTARY INFORMATION: The City of Vallejo has requested a temporary change to the operation of the Mare Island Drawbridge, mile 2.8, over Napa River, at Vallejo, CA. The drawbridge navigation span provides a vertical clearance of 13 feet above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.169(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 8 a.m. through 11:30 a.m. on October 8, 2017 to allow the community to participate in the Waterfront Weekend Triathlon. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also 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: September 19, 2017.

Carl T. Hausner,

District Bridge Chief, Eleventh Coast Guard District.

[FR Doc. 2017–20273 Filed 9–21–17; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0152; FRL–9967–99–Region 3]

Air Plan Approval; Delaware; Infrastructure Requirements for the 2012 Fine Particulate Matter Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving portions of a state implementation plan (SIP) revision submittal from the State of Delaware pursuant to the Clean Air Act (CAA). Whenever new or revised national ambient air quality standards (NAAQS) are promulgated, the CAA requires states to submit a plan for the implementation, maintenance, and enforcement of such NAAQS. The plan is required to address basic program elements, including, but not limited to, regulatory structure, monitoring, modeling, legal authority, and adequate resources necessary to assure attainment and maintenance of the standards. These elements are referred to as infrastructure requirements. Delaware made a SIP submittal to address the infrastructure requirements for the 2012 fine particulate matter ($PM_{2.5}$) NAAQS. This action approves portions of this submittal pursuant to section 110 of the CAA. EPA is not taking any action on the portion of the submittal that addresses interstate transport of emissions and intends to take separate action later.

DATES: This final rule is effective on October 23, 2017.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2017–0152. All documents in the docket are listed on the *http://www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *http://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

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

SUPPLEMENTARY INFORMATION:

I. Background

On June 1, 2017 (82 FR 25211), EPA published a notice of proposed rulemaking (NPR) for the State of Delaware. In the NPR, EPA proposed approval of portions of Delaware's December 14, 2015 SIP revision which address for the 2012 $PM_{2.5}$ NAAQS the following infrastructure elements of section 110(a)(2) of the CAA: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). EPA will take separate action, at a future date, on the remaining portion of the December 14, 2015 SIP revision that addresses requirements in section 110(a)(2)(D)(i)(I) (interstate transport of emissions) for the 2012 $PM_{2.5}$ NAAQS. Additionally, the proposed rulemaking action did not include action on section 110(a)(2)(I) of the CAA which pertains to the nonattainment planning requirements of part D, title I of the CAA, because this element is not required to be submitted by the 3-year submission deadline of section 110(a)(1) of the CAA, and will be addressed in a separate process if necessary.

Because the technical support document (TSD) was erroneously omitted from the docket for this rulemaking at the time EPA published the NPR on June 1, 2017 (82 FR 25211), EPA published a supplemental notice of proposed rulemaking (SNPR) extending the comment period on June 22, 2017 to allow further opportunity for public comment on our proposed approval of portions of Delaware's December 14, 2015 SIP revision addressing infrastructure requirements for the 2012 $PM_{2.5}$ NAAQS. 82 FR 28432.

II. Summary of SIP Revision and EPA Analysis

EPA reviewed the December 14, 2015 SIP submittal from Delaware and determined that it addressed for the 2012 $PM_{2.5}$ NAAQS the following infrastructure elements in section 110(a)(2): (A), (B), (C), (D)(i)(I), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M) of the CAA. A detailed summary of EPA's review and rationale for approving Delaware's submittal may be found in the TSD for this rulemaking action, which is available online at *http://www.regulations.gov,* Docket ID Number EPA–R03–OAR–2017–0152.

Although Delaware's December 14, 2015 SIP submission also contained provisions to address section 110(a)(2)(D)(i)(I) of the CAA, EPA did not propose any action on the portion of the submittal pertaining to section 110(a)(2)(D)(i)(I) regarding the interstate transport of emissions. EPA intends to take later separate action on this portion of Delaware's submittal.

Other specific requirements of Delaware's submittal for the 2012 $PM_{2.5}$ NAAQS infrastructure requirements and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. EPA received one comment which is addressed below.

III. Public Comment and EPA's Response

EPA received a comment in response to the June 1, 2017 NPR. The commenter noted that the TSD was not available online and requested a restart of the comment period. Additionally, the commenter expressed support for EPA and concerns about the removal of environmental regulations.

Response: On June 22, 2017, EPA made the TSD available online at *http://www.regulations.gov,* Docket ID Number EPA–R03–OAR–2017–0152. In our June 22, 2017 SNPR, EPA subsequently extended the comment period. 82 FR 28432. While EPA appreciates the supportive comments and expression of concern for environmental regulations in general, these comments are not germane to this rulemaking and do not identify any specific actions or provisions that EPA should address differently. Therefore, EPA does not provide further response.

IV. Final Action

EPA is approving portions of Delaware's December 14, 2015 SIP revision that address the following elements of section 110(a)(2) of the CAA for the 2012 $PM_{2.5}$ NAAQS: (A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M). Delaware's SIP revision

addressing section 110(a)(2)(A–C), (D)(i)(II) and (D)(ii), (E–H), and (J–M) provides the basic program elements specified in section 110(a)(2) of the CAA necessary to implement, maintain, and enforce the 2012 $PM_{2.5}$ NAAQS. EPA will take later separate action on the portion of the SIP revision addressing section 110(a)(2)(D)(i)(I) (interstate transport of emissions) for the 2012 $PM_{2.5}$ NAAQS. This final rulemaking action does not include action on section 110(a)(2)(I) of the CAA which pertains to the nonattainment planning requirements of part D, title I of the CAA, because this element is not required to be submitted by the 3-year submission deadline of section 110(a)(1) of the CAA, and will be addressed in a separate process if necessary.

V. Statutory and Executive Order Reviews

A. General Requirements

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

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

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 21, 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 to approve portions of Delaware's December 14, 2015 SIP revision for section 110(a)(2) infrastructure requirements for the 2012 $PM_{2.5}$ NAAQS may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: September 8, 2017.

Cecil Rodrigues,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart I—Delaware

■ 2. In § 52.420, the table in paragraph (e) is amended by adding an entry for ''Section 110(a)(2) Infrastructure Requirements for the 2012 $PM_{2.5}$ NAAQS'' after the entry ''Infrastructure element 110(a)(2)(D)(i)(I) related to interstate transport.'' The added text reads as follows:

§ 52.420 Identification of plan.

* * * * *

(e) * * *

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	* *	*	*	* *
Section 110(a)(2) Infrastructure Requirements for the 2012 $PM_{2.5}$ NAAQS.	Statewide	12/14/2015	9/22/2017, [Insert **Federal Register** citation].	This action addresses the following CAA elements: 110(a)(2)(A), (B), (C), (D)(i)(II), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
*	*	*	*	*	*	*

[FR Doc. 2017–20163 Filed 9–21–17; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R06–OAR–2015–0496; FRL–9967–53–Region 6]

Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for the 2008 8-Hour Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is conditionally approving revisions to the Texas State Implementation Plan (SIP) addressing Oxides of Nitrogen (NO_X) Reasonably Available Control Technology (RACT) for the Martin Marietta (formerly, Texas Industries, Inc., or TXI) cement manufacturing plant in Ellis County. We are fully approving revisions to the Texas SIP addressing NO_X RACT for all other affected sources in the ten county Dallas Fort Worth (DFW) 2008 8-Hour ozone nonattainment area. We are also approving NO_X RACT negative declarations (a finding that there are no major sources of NO_X emissions in certain categories) for the DFW 2008 8-Hour ozone nonattainment area. The DFW 2008 8-Hour ozone nonattainment area consists of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise counties. The RACT requirements apply to major sources of NO_X in these ten counties.

DATES: This rule will be effective on October 23, 2017.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R06–OAR–2015–0496. 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, *e.g.,* Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Planning Section (6MM–AA), Environmental Protection Agency, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. The file will be made available by appointment for public inspection in the Region 6 FOIA Review Room between the hours of 8:30 a.m. and 4:30 p.m. weekdays except for legal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Shar (6MM–AA), telephone (214) 665–2164, email *shar.alan@epa.gov.*

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

Outline

I. Background
II. Public Comments
III. Response to Comments
IV. Final Actions
V. Statutory and Executive Order Reviews

I. Background

The background for this action is discussed in detail in the July 19, 2017 (82 FR 33026) proposal. In that document, the EPA proposed to conditionally approve revisions to the Texas SIP that the TCEQ submitted to EPA in its Appendix F (a component of the 2008 8-Hour DFW ozone nonattainment area plan) of the July 10, 2015 DFW SIP submittal. The July 19, 2017 **Federal Register** (FR) action proposed to conditionally approve revisions to the Texas SIP addressing NO_X RACT for the Martin Marietta (MM) cement manufacturing plant in Ellis County. See section 110(k)(4) of the Clean Air Act (CAA, Act), and section II.F of the Proposal.

We proposed to fully approve revisions to the Texas SIP addressing NO_X RACT for all other affected sources in the ten county DFW 2008 8-Hour ozone nonattainment area. See section II.B of the Proposal.

We also proposed to approve NO_X RACT negative declarations for the nitric acid and adipic acid manufacturing operations within the ten County DFW 2008 8-Hour ozone nonattainment area. See section II.C of the Proposal.

The Proposal and the Technical Support Document (TSD) prepared in conjunction with that FR action provide detailed description and the rationale for the proposed decisions. Please see the docket ID No. EPA–R06–OAR–2015–0496 for the TSD and other documents regarding the Proposal.

II. Public Comments

The public comment period for the July 19, 2017 (82 FR 33026) proposal expired on August 19, 2017, and we received relevant comments from Holcim, TCEQ, and Ash Grove on the proposed actions during this period. Our response to relevant comments received during public comment period is below.

III. Response to Comments

Comment #1: Holcim supported EPA's action on the Proposal.

Response: We appreciate the support.

Comment #2: TCEQ requested clarification on its SIP revision process addressing conditional approval for the MM cement manufacturing plant through a voluntary Agreed Order (AO) or rulemaking action.

Response: State has the option of choosing what mechanism, for example; a voluntary AO or rulemaking action, to use when revising its SIP as long as a revision is made in conformance with section 110 of the Act and applicable State law. No change to our NO_X RACT determination is made as a result of this comment.

Comment #3: Ash Grove supported EPA's action, stating its NO_X limit is driven by 40 CFR 60.62 (New Source Performance Standards—NSPS). The commenter contends that its air permit is not a part of a federally enforceable SIP submittal.

Response: We appreciate the support. The NO_X RACT emission limitation of 1.5 lb/ton of clinker produced is required per 40 CFR 60.62(a) or NSPS subpart F that is consistent with limits established in Ash Grove's consent decree. We agree with the comment that its air permit was not a component of TCEQ SIP submittal; however, inclusion of air permit in record was intended to create a thorough and complete docket. No change to our NO_X RACT determination for this plant is made as a result of this comment.

This concludes our response to comments received. Based on our evaluation and responses, no changes to the Proposed NO_X RACT determinations have been made. Therefore, we are

finalizing the 82 FR 33026 proposal as published on July 19, 2017.

IV. Final Actions

We are conditionally approving NO_X RACT for the MM cement manufacturing plant in Ellis County, Texas. We are fully approving revisions to the Texas SIP addressing NO_X RACT for all other affected sources in the ten county DFW 2008 8-Hour ozone nonattainment area. We are also approving NO_X RACT negative declarations for the nitric acid and adipic acid manufacturing operations within the ten County DFW 2008 8-Hour ozone nonattainment area.

The EPA had previously approved RACT for all affected NO_X sources under the 1-Hour and the 1997 8-Hour ozone standards. Based on our approval of 30 TAC Chapter 117 rules for control of nitrogen compounds on April 13, 2016 (81 FR 21747), and the Proposed RACT action of July 19, 2017 (82 FR 33026), Texas is implementing RACT for all affected NO_X sources in the ten County DFW area under the 2008 8-Hour ozone standard.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review, Executive Order 13563: Improving Regulation and Regulatory Review and Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review. This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because this action does not impose additional requirements beyond those imposed by state law.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those imposed by state law.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action does not impose additional requirements beyond those imposed by state law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, will result from this action.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175, because the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and will not impose substantial direct costs on tribal governments or preempt tribal law. Thus, Executive Order 13175 does not apply to this action.

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

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not impose additional requirements beyond those imposed by state law.

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

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

The EPA lacks the discretionary authority to address environmental justice in this rulemaking.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 21, 2017. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposed 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).)

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

List of Subjects in 40 CFR Part 52

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

Dated: September 12, 2017.

Samuel Coleman,

Acting Regional Administrator, Region 6.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart SS—Texas

■ 2. In § 52.2270(e) the table titled ''EPA approved nonregulatory provisions and quasi-regulatory measures in the Texas SIP'' is amended by adding three new entries at the end.

The additions read as follows:

§ 52.2270 Identification of plan.

* * * * *

(e) * * *

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

Name of SIP provision	Applicable geographic or non-attainment area	State submittal/ effective date	EPA approval date	Comments
* *	* *	*	*	*
Conditional approval of NO_X RACT finding for the Martin Marietta (formerly Texas Industries, Inc., or TXI) cement manufacturing plant under the 2008 8-Hour ozone NAAQS.	Ellis County, TX	07/10/15	09/22/17, [Insert FR page number where document begins].	TCEQ commitment letter of July 29, 2016.
NO_X RACT finding under the 2008 8-Hour ozone NAAQS.	Collin, Dallas, Denton, Tarrant, Ellis, Johnson, Kaufman, Parker, Rockwall, and Wise Counties, TX.	07/10/15	09/22/17, [Insert FR page number where document begins].	DFW as Moderate and Serious.
NO_X RACT finding of negative declarations for nitric acid and adipic acid operations under the 2008 8-Hour ozone NAAQS.	Collin, Dallas, Denton, Tarrant, Ellis, Johnson, Kaufman, Parker, Rockwall, and Wise Counties, TX.	07/10/15	09/22/17, [Insert FR page number where document begins].	DFW as Moderate and Serious.

* * * * *

[FR Doc. 2017–20131 Filed 9–21–17; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 17–134; FCC 17–111]

Assessment and Collection of Regulatory Fees for Fiscal Year 2017

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Commission revises its Schedule of Regulatory Fees to recover an amount of $356,710,992 that Congress has required the Commission to collect for fiscal year 2017. Section 9 of the Communications Act of 1934, as amended, provides for the annual assessment and collection of regulatory fees under sections 9(b)(2) and 9(b)(3), respectively, for annual ''Mandatory Adjustments'' and ''Permitted Amendments'' to the Schedule of Regulatory Fees.

DATES: Effective September 22, 2017. To avoid penalties and interest, regulatory fees should be paid by the due date of September 26, 2017.

FOR FURTHER INFORMATION CONTACT: Roland Helvajian, Office of Managing Director at (202) 418–0444.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* FCC 17–111, MD Docket No. 17–134, adopted on September 1, 2017 and released on September 5, 2017. The full text of this document is available for public inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW., Washington, DC 20554, or by downloading the text from the Commission's Web site at *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0906/FCC-17-111A1.pdf.*

I. Administrative Matters

A. Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980 (RFA),[1] the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) relating to this Report and Order. The FRFA is located towards the end of this document.

B. Final Paperwork Reduction Act of 1995 Analysis

2. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

C. Congressional Review Act.

3. The Commission will send a copy of the Report and Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. 801(a)(1)(A).

II. Introduction

4. The Report and Order adopts a schedule of regulatory fees to assess and collect $356,710,992 in regulatory fees for fiscal year (FY) 2017, pursuant to section 9 of the Communications Act of 1934, as amended (Communications Act or Act) and the Commission's FY 2017 Appropriation.[2] The schedule of regulatory fees for FY 2017 adopted here is listed in Table 4. These regulatory fees are due in September 2017. The FY 2017 regulatory fees are based on the proposals in the *FY 2017 NPRM,*[3] considered in light of the comments received and Commission analysis.

III. Background

5. Congress adopted a regulatory fee schedule in 1993[4] and authorized the

[1] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, Title II, 110 Stat. 847 (1996). The SBREFA was enacted as Title II of the Contract with America Advancement Act of 1996 (CWAAA).

[2] 47 U.S.C. 159. Consolidated Appropriations Act, 2017, Division E—Financial Services and General Government Appropriations Act, 2017, Title V—Independent Agencies, Public Law 115–31 (May 5, 2017), available at *https://www.congress.gov/bill/115th-congress/house-bill/244/text.*

[3] *Assessment and Collection of Regulatory Fees for Fiscal Year 2017,* Notice of Proposed Rulemaking, 32 FCC Rcd 4526 (*FY 2017 NPRM*); 82 FR 26019, June 6, 2017.

[4] 47 U.S.C. 159(g) (showing original fee schedule prior to Commission amendment).

Commission to assess and collect annual regulatory fees pursuant to the schedule, as amended by the Commission.[5] The Commission annually reviews the regulatory fee schedule, proposes changes to the schedule to reflect changes in the amount of its appropriation, and proposes increases or decreases to the schedule of regulatory fees.[6] The Commission makes changes to the regulatory fee schedule ''if the Commission determines that the schedule requires amendment to comply with the requirements'' [7] of section 9(b)(1)(A) of the Act.[8] The Commission may also add, delete, or reclassify services in the fee schedule to reflect additions, deletions, or changes in the nature of its services ''as a consequence of Commission rulemaking proceedings or changes in law.'' Regulatory fees must also cover the costs the Commission incurs in regulating entities that are statutorily exempt from paying regulatory fees,[9] entities whose regulatory fees are waived,[10] and entities that provide nonregulated services. Thus, for each fiscal year, the Commission proposes a fee schedule in the annual Notice of Proposed Rulemaking that reflects changes in the amount appropriated for the performance of the Commission's regulatory activities, changes in the industries represented by the regulatory fee payors, changes in FTE [11] levels, and any other issues of relevance to the proposed fee schedule.[12] After reviewing the comments, the Commission issues a Report and Order adopting the fee schedule for the fiscal year and sets out the procedures for payment of fees.

6. The Commission calculates the fees by first determining the number of FTEs performing the regulatory activities specified in section 9(a), ''adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities . . . .'' [13] FTEs are categorized as ''direct'' if they are performing regulatory activities in one of the ''core'' bureaus, *i.e.,* the Wireless Telecommunications Bureau, Media Bureau, Wireline Competition Bureau, and part of the International Bureau. All other FTEs are considered ''indirect.'' [14] The total FTEs for each fee category is calculated by counting the number of direct FTEs in the core bureau that regulates that category, plus a proportional allocation of indirect FTEs. Next, the Commission allocates the total amount to be collected among the various regulatory fee categories. This allocation is based on the number of FTEs assigned to work in each regulatory fee category. Each regulatee within a fee category pays its proportionate share based on an objective measure, *e.g.,* revenues, number of subscribers, or licenses.[15]

7. As part of its annual review, the Commission seeks to improve its regulatory fee analysis.[16] For example, in the *FY 2013 Report and Order,* the Commission updated FTE allocations to more accurately reflect the number of FTEs working on regulation and oversight of the regulatees in the various fee categories;[17] reallocated some FTEs from the International Bureau as indirect;[18] combined the UHF and VHF television stations into one regulatory fee category;[19] and added Internet Protocol Television (IPTV) to the cable television fee category.[20] In the *FY 2014 Report and Order,* the Commission adopted a new fee subcategory for toll free numbers in the Interstate Telecommunications Service Provider (ITSP) [21] fee category;[22] increased the de minimis threshold to $500 for annual regulatory fee payors;[23] and eliminated several categories from the regulatory fee schedule.[24] In the *FY 2015 Report and Order,* the Commission reduced the regulatory fee for submarine cable, terrestrial, and satellite international bearer circuits.[25] The Commission also adopted a regulatory fee for DBS, as a subcategory of the cable television and IPTV fee category,[26] and for toll-free numbers [27] and reallocated four International Bureau FTEs from direct to indirect.[28] In the *FY 2016 Report and Order,* the Commission adjusted regulatory fees for radio and television

[5] 47 U.S.C. 159.

[6] 47 U.S.C. 159(b)(1)(B).

[7] 47 U.S.C. 159(b)(2).

[8] 47 U.S.C. 159(b)(1)(A).

[9] *Assessment and Collection of Regulatory Fees for Fiscal Year 2004,* Report and Order, 19 FCC Rcd 11662, 11666, para 11 (*FY 2004 Report and Order*); 69 FR 41028, July 7, 2004. For example, governmental and nonprofit entities are exempt from regulatory fees under section 9(h) of the Act. 47 U.S.C. 159(h); 47 CFR 1.1162.

[10] 47 CFR 1.1166.

[11] One FTE, a ''Full Time Equivalent'' or ''Full Time Employee,'' is a unit of measure equal to the work performed annually by a full-time person (working a 40 hour workweek for a full year) assigned to the particular job, and subject to agency personnel staffing limitations established by the U.S. Office of Management and Budget.

[12] Section 9(b)(2) discusses mandatory amendments to the fee schedule and Section 9(b)(3) discusses permissive amendments to the fee schedule. Both mandatory and permissive amendments are not subject to judicial review. 47 U.S.C. 159(b)(2) and (3).

[13] 47 U.S.C. 159(b)(1)(A). When section 9 was adopted, the total FTEs were to be calculated based on the number of FTEs in the Private Radio Bureau, Mass Media Bureau, and Common Carrier Bureau. (The names of these bureaus were subsequently changed.) Satellites, earth stations, and international bearer circuits were regulated through the Common Carrier Bureau before the International Bureau was created.

[14] As of September 2016, for regulatory fee purposes, excluding auctions-funded FTEs, the direct FTEs are Wireline Bureau (167); Media Bureau (141); Wireless Bureau (92); and International Bureau (24), for a total of 424 direct FTEs. The indirect FTEs, for regulatory fee purposes, non-auctions-funded, are from the International Bureau (81), Enforcement Bureau (237), Consumer & Governmental Affairs Bureau (148), Public Safety & Homeland Security Bureau (101), Chairman and Commissioners' offices (21), Office of the Managing Director (159), Office of General Counsel (77), Office of the Inspector General (43), Office of Communications Business Opportunities (9), Office of Engineering and Technology (78), Office of Legislative Affairs (11), Office of Strategic Planning and Policy Analysis (19), Office of Workplace Diversity (3), Office of Media Relations (16), and Office of Administrative Law Judges (4), totaling 1,007 indirect FTEs. The total direct and indirect FTEs number 1,431.

[15] *See Procedures for Assessment and Collection of Regulatory Fees,* Notice of Proposed Rulemaking, 27 FCC Rcd 8458, 8461–62, paras. 8–11 (2012) (*FY 2012 NPRM*); 77 FR 49749, 49752–54, August 17, 2012.

[16] *See Assessment and Collection of Regulatory Fees for Fiscal Year 2008,* MD Docket No. 08–65, Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6388 (2008) (*FY 2008 Further Notice*); 73 FR 50285, August 26, 2008.

[17] *Assessment and Collection of Regulatory Fees for Fiscal Year 2013,* Report and Order, 28 FCC Rcd 12351, 12354–58, paras. 10–20 (2013) (*FY 2013 Report and Order*); 78 FR 52433, August 23, 2013. The Commission now updates the FTE allocations annually. This was recommended in a report issued by the Government Accountability Office (GAO) in 2012. *See* GAO ''Federal Communications Commission Regulatory Fee Process Needs to be Updated,'' GAO–12–686 (Aug. 2012) (GAO Report) at 36 (available at *http://www.gao.gov/products/GAO-12-686*).

[18] *FY 2013 Report and Order,* 28 FCC Rcd at 12355–58, paras. 13–20; 78 FR 52433.

[19] *Id.,* 28 FCC Rcd at 12361–62, paras. 29–31; 78 FR 52433.

[20] *Id.,* 28 FCC Rcd at 12362–63, paras. 32–33; 78 FR 52433.

[21] The ITSP category includes interexchange carriers (IXCs), incumbent local exchange carriers, toll resellers, and other IXC service providers.

[22] *Assessment and Collection of Regulatory Fees for Fiscal Year 2014,* Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 10767, 10777–79, paras. 25–28 (2014) (*FY 2014 Report and Order*); 79 FR 54190, September 11, 2014.

[23] *FY 2014 Report and Order,* 29 FCC Rcd at 10774–76, paras. 18–21; 79 FR 54190.

[24] *Id.,* 29 FCC Rcd at 10776–77, paras. 22–24; 79 FR 54190.

[25] *Assessment and Collection of Regulatory Fees for Fiscal Year 2015,* Report and Order and Further Notice of Proposed Rulemaking, 30 FCC Rcd 10268, 10273, para. 12 (2015) (*FY 2015 Report and Order*); 80 FR 55775, September 17, 2015.

[26] *FY 2015 Report and Order,* 30 FCC Rcd at 10276–77, paras. 19–20; 80 FR 55775.

[27] *Id.,* 30 FCC Rcd at 10271–72, para. 9; 80 FR 55775.

[28] *Id.,* 30 FCC Rcd at 10278, para. 24; 80 FR 55775. The Commission also, in the *FY 2015 NPRM and Report and Order,* eliminated two fee categories. *See Assessment and Collection of Regulatory Fees for Fiscal Year 2015,* Notice of Proposed Rulemaking, Report and Order, and Order, 30 FCC Rcd 5354, 5361–62, paras. 19–22 (2015) (*FY 2015 NPRM and Report and Order*); 80 FR 43019, July 21, 2015.

broadcasters, based on the type and class of service and on the population served; [29] adopted an increase in the regulatory fee for DBS providers within the cable television and IPTV regulatory fee category; [30] and adopted an across the board fee increase for the Commission's moving expenses.[31] In this proceeding, the Commission continues to improve and reform the regulatory fee process.

8. In our *FY 2017 NPRM,* we proposed to collect $356,710,992 in regulatory fees and included a detailed, proposed fee schedule. We received 17 comments and six reply comments.[32]

IV. Report and Order

9. In this *FY 2017 Report and Order,* we adopt a regulatory fee schedule for FY 2017, pursuant to section 9 of the Communications Act and the 2017 Consolidated Appropriations Act [33] in order to collect $356,710,992 in regulatory fees.[34] Of this amount, we project approximately $22.17 million (6.22 percent of the total FTE allocation) in fees from the International Bureau regulatees; [35] $88.69 million (24.86 percent of the total FTE allocation) in fees from the Wireless Telecommunications Bureau regulatees; [36] $115.58 million (32.40 percent of the total FTE allocation) from Wireline Competition Bureau regulatees; [37] and $130.27 million (36.52 percent of the total FTE allocation) from the Media Bureau regulatees.[38] These regulatory fees are due in September 2017. The schedule of regulatory fees for FY 2017 adopted here is listed in Table 4.

A. Allocating FTEs for Regulatory Fee Purposes

10. Under section 9 of the Act, regulatory fees are to ''be derived by determining the full-time equivalent number of employees performing'' these activities, ''adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities . . . '' [39] As a general matter, we reasonably expect that the work of the FTEs in the core bureaus should remain focused on the industry segment regulated by each of those bureaus. The work of the FTEs in the indirect bureaus and offices benefits the Commission and the telecommunications industry and is not specifically focused on the regulatees and licensees of a core bureau. Given the significant implications of reassignment of FTEs in our fee calculation, we make changes to FTE classifications only after performing considerable analysis and finding the clearest case for reassignment.[40]

11. In the *FY 2017 NPRM,* we proposed to reallocate 38 FTEs in the Wireline Competition Bureau associated with Universal Service Fund work as indirect and to reallocate four FTEs from the Wireline Competition Bureau that work on wireless numbering issues to the Wireless Telecommunications Bureau due to the changes to the Universal Service regulatory landscape that no longer affect only ITSPs and the fact that approximately half the benefit of the work done by FTEs on numbering issues accrue to the CMRS industry.

1. FTEs Associated With the Universal Service Fund

12. In the *FY 2017 NPRM,* the Commission explained that changes to the Universal Service Fund regulatory landscape require us to reexamine the treatment of Universal Service Fund FTEs as direct FTEs. There are currently approximately 51 FTEs in the Wireline Competition Bureau, including the bureau front office, working on Universal Service Fund issues, with 13 of those FTEs focused on the High-Cost program. Currently, there are approximately three FTEs in the Wireless Telecommunications Bureau, including the bureau front office, implementing the Mobility Fund, a universal service High-Cost support mechanism devoted exclusively to mobile services.[41] These Wireline Competition Bureau and Wireless Telecommunications Bureau FTEs are considered direct FTEs for regulatory fee purposes. Other FTEs throughout the Commission working on universal service issues are indirect FTEs, including the FTEs working on universal service issues in the Enforcement Bureau, the Office of the Managing Director, the Office of the Inspector General, and the Office of the General Counsel.

13. In the *FY 2017 NPRM,* we proposed to reallocate the 38 FTEs in the Wireline Competition Bureau assigned to work on the non-high-cost programs of the Universal Service Fund as indirect for regulatory fee purposes, for several reasons.[42] The 38 FTE count is based on coordination between the Office of Managing Director and Wireline Competition Bureau staff which analyzed how many FTEs work on each of the USF programs.[43] In doing so, we noted that contributions to the Universal Service Fund are required from service providers using any technology that has end-user interstate telecommunications.[44] As we discussed in the *FY 2017 NPRM,* continuing changes in the universal service fund regulatory landscape requires us to reexamine the appropriateness of treating the FTEs working on universal service issues as Wireline Competition Bureau direct FTEs.[45] Initially, universal service programs were focused on wireline services, but now wireless carriers, and more recently broadband providers, are involved in the E-Rate,[46]

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[29] *Assessment and Collection of Regulatory Fees for Fiscal Year 2016,* Report and Order, 31 FCC Rcd 10339, 10350–51, paras. 31–33 (2016) (*FY 2016 Report and Order*); 81 FR 65926, September 26, 2016.

[30] *FY 2016 Report and Order,* 31 FCC Rcd at 10347–350, paras. 25–30; 81 FR 65926.

[31] *Id.,* 31 FCC Rcd at 10341, para. 7; 81 FR 65926.

[32] Commenters to the *FY 2017 NPRM* are listed in Table 2.

[33] 47 U.S.C. 159. Consolidated Appropriations Act, 2017, Division E—Financial Services and General Government Appropriations Act, 2017, Title V—Independent Agencies, Public Law 115–31 (May 5, 2017), available at *https://www.congress.gov/bill/115th-congress/house-bill/244/text.*

[34] Section 9 regulatory fees are mandated by Congress and collected to recover the regulatory costs associated with the Commission's enforcement, policy and rulemaking, user information, and international activities. 47 U.S.C. 159(a).

[35] Includes satellites, earth stations, and international bearer circuits (submarine cable systems and satellite and terrestrial bearer circuits).

[36] Includes Commercial Mobile Radio Service (CMRS), CMRS messaging, Broadband Radio Service/Local Multipoint Distribution Service (BRS/LMDS), and multi-year wireless licensees.

[37] Includes ITSP and toll free numbers.

[38] Includes AM radio, FM radio, television (including low power and Class A), TV/FM translators and boosters, cable television and IPTV, DBS, and Cable Television Relaty Service (CARS) licenses.

[39] 47 U.S.C. 159(b)(1)(A).

[40] *FY 2013 Report and Order,* 28 FCC Rcd at 12357, para. 19; 78 FR 52433. The Commission observed that the International Bureau was a ''singular case'' because the work of those FTEs ''primarily benefits licensees regulated by other bureaus.'' *Id.,* 28 FCC Rcd at 12355, para. 14; 78 FR 52433.

[41] *See Connect America Fund, et al.,* Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011); 76 FR 78384, December 16, 2011.

[42] *FY 2017 NPRM,* 32 FCC Rcd at 4529–4530, para. 10; 82 FR 26019.

[43] The FCC Time and Attendance system does not provide a breakdown of USF work by technology or bureau.

[44] 47 CFR 54.706(a).

[45] *FY 2017 NPRM,* 32 FCC Rcd at 4529, para. 9; 82 FR 26019.

[46] ''The schools and libraries universal service support program, commonly known as the E-rate program, helps schools and libraries to obtain affordable broadband . . . . Eligible schools, school districts and libraries may apply individually or as part of a consortium [for] . . . category one services to a school or library (telecommunications, telecommunications services and Internet access), and category two services that deliver Internet access within schools and libraries (internal connections, basic maintenance of internal connections, and managed internal broadband services).'' *See* FCC Web site, ''E-Rate—Schools & Libraries USF Program,'' available at *https://*

Lifeline,[47] and Rural Healthcare [48] programs.

In addition, three of the universal service fund programs—E-Rate, Lifeline, and Rural Healthcare—tie funding eligibility to the beneficiary, *i.e.,* a school, a library, a low-income individual or family, or a rural healthcare provider, and not to Commission regulatees.[49] Wireless carriers now serve a substantial, if not majority, of Lifeline subscribers.[50] Also, satellite operators, Wi-Fi network installers, and fiber builders may all receive funding through the E-Rate and Rural Healthcare universal service programs.[51] Similarly, multichannel video programming distributors (MVPDs), who also provide supported services, receive universal service funding through participation in both the E-rate and Rural Healthcare programs because they provide telecommunications and Internet access services that are eligible for support in those programs.[52] And given that the applicants in these programs are not even regulatees—instead, they are the schools and libraries and healthcare providers—the bulk of the Commission's oversight of these programs (*i.e.,* the costs incurred that create a need for regulatory fees) are not generated by regulatees. Indeed, seven of the ten E-Rate forms that make up the bulk of the Commission's oversight of the program are filed by schools and libraries, not service providers. Similarly, seven of the nine rural healthcare program forms are filed by healthcare providers, not service providers. In other words, ITSPs are not the sole or even majority contributors or beneficiaries of these three programs. Reallocating these Wireline Competition Bureau FTEs as indirect FTEs would be more consistent with how FTEs working on universal service issues are treated elsewhere in the Commission, *e.g.,* similar to the 10 FTEs working on USF matters in the Enforcement Bureau, the 5 FTEs in the Office of the Managing Director, the 10 FTEs in the Office of the Inspector General, and the 5 FTEs in the Office of the General Counsel.[53]

14. ITTA and Frontier support the proposal in the *FY 2017 NPRM* to reallocate 38 Wireline Competition Bureau FTEs as indirect, and CTIA argues that if the Commission reclassifies any of these FTEs, they should be reallocated as indirect.[54] CenturyLink also agrees with this proposal and observes that the concern that the reallocation would impose a burden on broadcasters which do not participate in the universal service program is misplaced ''as there is no completely pure way to precisely allocate every Commission FTE.'' [55] After consideration of the record on this issue and for the reasons discussed in the *FY 2017 NPRM, i.e.,* that ITSPs are no longer the sole contributors or beneficiaries of the E-Rate, Lifeline, and Rural Healthcare programs and allocating these Wireline Competition Bureau FTEs as indirect FTEs would be more consistent with how FTEs working on universal service issues are treated elsewhere in the Commission, we adopt the proposal to reallocate 38 FTEs in the Wireline Competition Bureau assigned to work on the non-high-cost programs of the Universal Service Fund as indirect. The regulatory fee rates set forth in Appendix C reflect this reallocation of FTEs for regulatory fee purposes.

15. We disagree with SIA's argument that such a reallocation of FTEs from direct to indirect is ''premature'' because satellite operators do not yet benefit from the contributions of the FTEs working on universal service fund issues.[56] The FTEs working on these universal service issues have already devoted substantial time to making sure that satellite operators are eligible to participate in these programs, such as by becoming ETCs or being eligible for funding under the Rural Healthcare program or E-Rate. Permitting satellite operators into the USF programs uses FTE resources at the beginning of a satellite operators' participation. And some satellite providers have begun to take advantage of that eligibility in, for example, the Rural Healthcare program. Thus, these FTEs are both overseeing satellite operators and benefiting satellite operators, making reallocation appropriate.

16. ITTA and Frontier suggest that we also reallocate to the Wireless Telecommunications Bureau and/or Media Bureau direct FTEs working on universal service high cost issues.[57] Frontier argues that we should reallocate FTEs working on High-Cost Fund issues as indirect FTEs because all universal service programs, including the High-Cost Fund, ''benefit the public and all members of the Internet ecosystem, not specifically or uniquely wireline companies.'' [58] CTIA opposes the proposal to reallocate FTEs working on High-Cost issues, and observes that ITTA and Frontier have failed to show a clear case for reclassification of the Wireline Competition Bureau FTEs.[59] We agree with CTIA that the case for reallocation has not been made at this time.

17. Several parties also ask that we go farther. For example, ITTA argues that the Wireline Competition Bureau FTEs are ''no longer focused exclusively on ITSPs'' [60] and the Commission ''must make adjustments to ensure that its regulatory fees reflect *its actual costs by industry sector.*'' [61] Similarly, ITTA, Frontier, and CenturyLink also argue that we should combine CMRS into the ITSP category.[62] We do not believe the case has been made for such large changes at this time, because (among

www.fcc.gov/general/e-rate-schools-libraries-usf-program#block-menu-block-4 (last visited July 17, 2017).

[47] ''Since 1985, the Lifeline program has provided a discount on phone service for qualifying low-income consumers . . . . The Lifeline program is available to eligible low-income consumers in every state, territory, commonwealth, and on Tribal lands . . . . In . . . 2016 . . . the Commission included broadband as a support service in the Lifeline program.'' *See* FCC Web site, ''Lifeline Program for Low-Income Consumers,'' available at *https://www.fcc.gov/general/lifeline-program-low-income-consumers#block-menu-block-4* (last visited July 17, 2017).

[48] ''The Rural Health Care Program, which includes the new Healthcare Connect Fund, provides funding to eligible health care providers (HCPs) for telecommunications and broadband services necessary for the provision of health care. The goal of the program is to improve the quality of health care available to patients in rural communities by ensuring that eligible HCPs have access to telecommunications and broadband services.'' *See* FCC Web site, ''Rural Health Care Program,'' available at *https://www.fcc.gov/general/rural-health-care-program#block-menu-block-4* (last visited July 17, 2017).

[49] *FY 2017 NPRM,* 32 FCC Rcd at 4530, para. 10; 82 FR 26019.

[50] *Id.*

[51] *Id.*

[52] *See* USAC Web site, 2017 E-Rate Eligible Services List, *available at http://www.usac.org/sl/applicants/beforeyoubegin/eligible-services-list.aspx* (last visited July 28, 2017); USAC Web site Rural Healthcare Eligible Services, *available at http://www.usac.org/rhc/telecommunications/health-care-providers/step01/eligible-services.aspx* (last visited July 28, 2017). *See also* Universal Service Administrative Company Third Quarter 2017 FCC Filings (E-rate and Rural Healthcare), *available at http://www.usac.org/about/tools/fcc/filings/2017/q3.aspx* (last visited July 28, 2017).

[53] *Id.*

[54] ITTA Comments at 5; Frontier Comments at 3; CTIA Reply Comments at 4–5.

[55] CenturyLink Comments at 4.

[56] SIA Comments at 2–3; SIA Comments at 2 (observing that no satellite operator has yet been designated an eligible telecommunications carrier, or ETC, which is required for Lifeline funding).

[57] ITTA Comments at 6. CenturyLink also supports allocating four Wireline Competition Bureau FTEs as Wireless Telecommunications Bureau FTEs for regulatory fee purposes because ''wireless carriers now serve over 90% of Lifeline subscribers.'' CenturyLink Reply Comments at 4.

[58] Frontier Comments at 3–4. CenturyLink agrees with this proposal. *See* CenturyLink Reply Comments at 3–4.

[59] CTIA Reply Comments at 6.

[60] ITTA Comments at 2.

[61] ITTA Comments at 3 (emphasis added).

[62] *See* ITTA Comments at 10–11; Frontier Comments at 6–7; CenturyLink Reply Comments at 4–5.

other things) advocates of such changes have not fully accounted for the substantial differences in regulatory oversight between different groups of regulatees nor the fact that allocating regulatory fees is not and cannot be an exact science. On the last point, it would be nigh impossible to determine the precise costs attributable to FTEs and the precise benefits flowing from Commission regulation to any one regulatee, let alone a particular cross-section of regulatees or even an entire industry—not to mention the complications associated with regulatees statutorily exempt from paying regulatory fees (such as governmental licensees) and with beneficiaries (such as schools and libraries) that are not regulatees, all of whom nonetheless create costs that must be recovered. As such the Commission has long taken an incrementalist approach, requiring substantial and specific evidence about regulatory burdens and benefits before making changes to the allocation of fees. And those seeking to change our allocations even further have not yet made the case for doing so.

18. After reviewing the record, we conclude that our proposal in the *FY 2017 NPRM* to reallocate 38 FTEs in the Wireline Competition Bureau assigned to work on the non-high cost programs of the Universal Service Fund as indirect for regulatory fee purposes is warranted and consistent with section 9 of the Act. We therefore adopt the proposal in the *FY 2017 NPRM.* The regulatory fee rates set forth in Table 4 reflect this reallocation of FTEs.

2. FTEs Associated With Numbering Issues

19. In the *FY 2017 NPRM,* we estimated that seven to eight FTEs in the Wireline Competition Bureau work on numbering issues.[63] We proposed to reallocate for regulatory fee purposes four of these direct FTEs from the Wireline Competition Bureau to the Wireless Telecommunications Bureau ''to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities . . . .'' [64] Specifically, we estimated approximately half of the benefit of the work of these FTEs accrue to Wireless Telecommunications Bureau regulatees.[65] Commenters agree with our proposal to reallocate four of the Wireline Competition Bureau FTEs that work on numbering issues to the Wireless Telecommunications Bureau as direct FTEs for regulatory fee purposes.[66]

20. After reviewing the record, we conclude that reallocating four FTEs in the Wireline Competition Bureau assigned to work on numbering issues to the Wireless Telecommunications Bureau for regulatory fee purposes is warranted and consistent with section 9 of the Act. Reallocating four direct FTEs from the Wireline Competition Bureau to the Wireless Telecommunications Bureau will ''take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities'' [67] because approximately half of the benefit of the work of these FTEs accrue to Wireless Telecommunications Bureau regulatees.[68] We therefore adopt our proposal to reallocate for regulatory fee purposes four direct FTEs from the Wireline Competition Bureau to the Wireless Telecommunications Bureau. The regulatory fee rates set forth in Appendix C reflect this reallocation of FTEs.

B. Direct Broadcast Satellite (DBS) Regulatory Fees

21. DBS service is a nationally distributed subscription service that delivers video and audio programming via satellite to a small parabolic dish antenna at the subscriber's location. The two DBS providers, AT&T [69] and DISH Network, are MVPDs.[70] Following the 2012 GAO Report, in which the GAO observed that an evaluation of Media Bureau FTEs was long overdue,[71] the Commission concluded that the Media Bureau FTEs regulate the DBS industry together with the other MVPDs.[72] Subsequently, the Commission adopted a regulatory fee for DBS as a subcategory in the cable television and IPTV category, of 12 cents per year per subscriber.[73] This regulatory fee subcategory was based on Media Bureau FTE activity involving regulation and oversight of all MVPDs, which included DBS providers.[74]

22. As the Commission discussed in the *FY 2015 NPRM,* the DBS providers were established as large MVPDs by 2015 and significant Media Bureau FTE resources were used in regulation and oversight of all MVPDs, including DBS.[75] The Commission concluded there was no reasonable basis to continue to exclude DBS providers from sharing in the cost of MVPD oversight and regulation with cable television and IPTV. In lieu of directly including DBS providers in the cable television/IPTV category at the same regulatory fee rate, the Commission elected to phase in the new Media Bureau-based regulatory fee for DBS, starting at 12 cents per subscriber, per year. Since then, the Commission has increased the DBS regulatory fee each year, to bring it closer to the per-subscriber rate paid by cable television and IPTV. In the FY 2016 regulatory fee proceeding, the Commission increased the regulatory fee for DBS providers to 24 cents, plus an across-the-board increase of three cents for the Commission's moving expenses, for a total of 27 cents per subscriber, per year.[76] In the *FY 2017 NPRM,* the Commission noted that the Media Bureau resources focused on MVPD proceedings (including DBS) supported continuing to bring the DBS rate closer to the cable television/IPTV per subscriber rate.[77] At that time, we proposed a regulatory fee rate of 36 cents per subscriber per year, plus two cents due to the increase in the Commission's budget for moving expenses, for a total of 38 cents per subscriber per year for FY 2017.[78] As we discuss below, we are adopting the proposed rate of 38 cents per subscriber, per year in this Report and Order, in our effort to bring the DBS rate closer to the cable television/IPTV per subscriber rate.

23. We agree with the commenters representing the cable television

[63] *FY 2017 NPRM,* 32 FCC Rcd at 4530, para. 13; 82 FR 26019.

[64] 47 U.S.C. 159(b)(1)(A).

[65] *See* Industry Analysis and Technology Division, Wireline Competition Bureau, FCC, Voice Telephone Services: Status as of December 31, 2015, at 2 Figure 1 (2016).

[66] ITTA Comments at 9–10; CenturyLink Comments at 5 & Reply Comments at 5; Frontier Comments at 5–6.

[67] 47 U.S.C. 159(b)(1)(A).

[68] *See* Industry Analysis and Technology Division, Wireline Competition Bureau, FCC, Voice Telephone Services: Status as of December 31, 2015, at 2 Figure 1 (2016).

[69] AT&T and DIRECTV merged in 2015. *See Applications of AT&T and DIRECTV for Consent to Assign or Transfer Control of Licenses and Authorizations,* Memorandum Opinion and Order, 30 FCC Rcd 9131 (2015).

[70] MVPD is defined in section 602(13) of the Act, 47 U.S.C. 522(13). DBS subscribers were 33.2 percent of all MVPD subscribers at the end of 2015. *See Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming,* Eighteenth Report, 32 FCC Rcd 568, 575, para. 19 (2017) (*Eighteenth Competition Report*) (citing SNL Kagan, U.S. Multichannel Industry Benchmarks).

[71] GAO Report at 17–20.

[72] *FY 2015 NPRM,* 30 FCC Rcd at 5368, para. 32; 80 FR 37206.

[73] *FY 2015 Report and Order,* 30 FCC Rcd at 10276–77, paras. 19–20; 80 FR 55775.

[74] *FY 2015 NPRM,* 30 FCC Rcd at 5367–68, para. 31; 80 FR 37206.

[75] *Id.,* 30 FCC Rcd at 5368, para. 32; 80 FR 37206.

[76] *FY 2016 Report and Order,* 31 FCC Rcd at 10348–49, para. 26; 81 FR 65926.

[77] *FY 2017 NPRM,* 32 FCC Rcd at 4531–32, paras. 15–17; 82 FR 26019.

[78] *FY 2017 NPRM,* 32 FCC Rcd at 4532, para. 17; 82 FR 26019.

industry that the Media Bureau resources utilized by the DBS providers are similar to those used by the cable television and IPTV industry,[79] and for this reason we have been phasing in the regulatory fee for DBS providers each year. Commenters representing the cable television industry observe that despite the Commission's prior commitment to ensuring ''an appropriate level of regulatory parity with cable television and IPTV'' the proposed rate is far below the 96 cents proposed rate for cable television and IPTV.[80] These commenters argue that there is no justification for this disparity, due to the fact that DBS operators impose regulatory costs and receive benefits from the Media Bureau that affect all MVPDs; [81] that the proposed fees impose competitive and technological disparities, favoring DBS over cable television and IPTV; [82] and that there is no evidence in the record to support the disparity in fees.[83] The Media Bureau FTEs regulate the DBS industry together with the other MVPDs and the burden that DBS imposes on Media Bureau FTEs is roughly the same. For example, since October 1, 2016, the Media Bureau has opened 17 proceedings that affect MVPDs; seven of those proceedings are focused on cable operators, six are focused on DBS, and four cover all MVPDs (with three of those also covering other media services like broadcasters). Thus, these regulatees—MVPDs—are a group that includes DBS. In order to continue to bring the DBS fee closer to the cable television/IPTV fee, we are adopting the proposed rate of 38 cents per subscriber, which still remains substantially below the cable television/IPTV fee we adopt today.

24. We reject the argument raised by DISH and AT&T, the two DBS providers, who contend that a fee increase would ''harm DBS customers.'' [84] We do not accept the DISH and AT&T unsupported contention that a regulatory fee increase of several cents per subscriber, per month would ''harm'' their customers, as such an increase is a negligible fraction of a monthly bill.[85]

25. AT&T and DISH also argue that several recent proceedings involving MVPDs do not justify an increase in regulatory fees.[86] We disagree. The examples of recent proceedings involving MVPDs illustrate that Media Bureau FTEs work on significant MVPD issues that include DBS. DBS, cable television, and IPTV all receive oversight and regulation as a result of the work of Media Bureau FTEs on MVPD issues. This regulatory fee is not based on specific recent proceedings, but that a significant number of Media Bureau FTEs work on MVPD issues that include DBS.[87] We listed examples of several recent proceedings to illustrate that the Media Bureau is involved in numerous MVPD issues.[88] The fee increase we adopt today is not based on particular Media Bureau proceedings, but is an effort to bring the regulatory fee closer to the cable television/IPTV per subscriber fee.

26. AT&T and DISH contend that there is no evidence that DBS providers ''usurped the work of such a significant amount of Media Bureau FTEs sufficient to justify this increase.'' [89] The DBS commenters are misunderstanding the basis for including DBS in the cable television/IPTV regulatory fee.[90] The Commission has never said that the DBS industry ''usurped the work'' of the Media Bureau staff. The regulatory fee is based on the fact that Media Bureau staff work on significant issues involving MVPDs, including DBS. The DBS regulatory fee is based on the Media Bureau's regulation and oversight of the MVPD industry (including DBS), not on a particular number of FTEs focused solely on DBS. The Commission has specifically rejected the argument that section 9 of the Act requires us to ''show that DBS and cable occupy a comparable number of FTEs.'' [91]

27. Finally, AT&T and DISH contend that there is no legal basis to charge DBS providers the same regulatory fees as cable television and IPTV operators.[92] We disagree. We recognize that DBS is not identical to cable television and IPTV. Services that are not technologically identical nevertheless warrant placement in the same regulatory fee category, *e.g.,* ITSP includes a range of carriers that may not be regulated identically but must pay

[79] For example, as ACA observes, DBS providers have been actively involved in the Media Bureau's proceeding implementing the Satellite Television Extension and Localism Act Reauthorization Act of 2014 (STELAR) and in the market modification proceedings that STELAR directed the Commission to expand to satellite DBS carriage. The STELA Reauthorization Act of 2014 (STELAR), Pub. L. 113–200, 128 Stat. 2059 (2014); *Amendment to the Commission's Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014,* Report and Order, 30 FCC Rcd 10406 (80 FR 59635, October 2, 2015) (adopting satellite television market modification rules). *See, e.g., Gray Television Licensee, LLC, Petition for Modification of the Satellite Televisions Market for WSAW–TV, Wausau, Wisconsin,* MB Docket No. 16–293, DirecTV, LLC Response to Petition for Special Relief (filed Oct. 6, 2016); *Amendment to the Commission's Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014,* MB Docket No. 15–71, DISH Network LLC Market Modification Pre-Filing Coordination Letter for Monongalia County, West Virginia (filed May 23, 2017).

AT&T and DISH have also been involved in the Commission's ATSC 3.0 rulemaking. *See, e.g., Authorizing Permissive Use of the ''Next Generation'' Broadcast Television Standard,* GN Docket No. 16–142, Comments of DISH Network LLC (filed May 9, 2017); Reply Comments of AT&T (filed June 8, 2017). AT&T and DISH Network were also active participants in the Media Bureau's 2016 public notice proceeding. *See, e.g., Media Bureau Seeks Comment on Joint Petition for Rulemaking of America's Public Television Stations, the AWARN Alliance, the Consumer Technology Association, and the National Association of Broadcasters Seeking to Authorize Permissive Use of the ''Next Generation TV'' Broadcast Television Standard,* GN Docket No. 16–142, Comments of DISH Network, LLC (filed May 26, 2016); Comments of AT&T (filed May 26, 2016).

[80] ACA Comments at 2 (quoting *FY 2017 NPRM,* 32 FCC Rcd at 4531, para. 15; 82 FR 26019); NCTA Comments at 3.

[81] ACA Comments at 3–6; NCTA Comments at 3–5.

[82] NCTA Comments at 5–7.

[83] NCTA Comments at 7–8.

[84] DISH and AT&T Comments at 3.

[85] The current least expensive promotional rate for new DBS subscribers is approximately $50 per month for 12 months (not including taxes or leasing charges). Even if the regulatory fee were 72 cents per subscriber per year, approximately what it would be at parity with cable television/IPTV, it would equal 0.12% of the lowest introductory monthly fee for DBS ($600 × .0012 = $0.72). *See https://www.directv.com/DTVAPP/pepod/configure.jsp#package-section* (last visited June 29, 2017); *https://www.dish.com/programming/packages/* (last visited June 29, 2017). ACA observes that DISH's reported average revenue per unit was $86.79 per month and AT&T's was $118.00 per month. ACA Reply Comments at 2–3.

[86] DISH and AT&T Comments at 4–5; AT&T Reply Comments at 6–7.

[87] *FY 2015 Report and Order,* 30 FCC Rcd at 5369, para. 33; 80 FR 43019.

[88] *See, e.g., Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010,* Notice of Proposed Rulemaking, 31 FCC Rcd 2463 (81 FR 33642, May 27, 2016); *Expanding Consumers' Video Navigation Choices, Commercial Availability of Navigation Devices,* Notice of Proposed Rulemaking and Memorandum Opinion and Order, 31 FCC Rcd 1544 (81 FR 14033, March 16, 2016); *Promoting the Availability of Diverse and Independent Sources of Video Programming,* Notice of Inquiry, 31 FCC Rcd 1610 (2016); *Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees,* Report and Order, 31 FCC Rcd 526 (2016); *Amendment to the Commission's Rules Concerning Market Modification, Implementation of Section 102 of the STELA Reauthorization Act of 2014,* Report and Order, 30 FCC Rcd 10406 (2015).

[89] DISH and AT&T Comments at 5–6. We also do not agree with AT&T's argument that we have ignored the other regulatory fees paid by the DBS providers. AT&T Reply Comments at 7. The regulatory fee based on the Media Bureau FTEs is not related to the regulatory fee based on International Bureau FTEs. While there is no other industry in the same situation as DBS, we note that the cable television industry pays regulatory fees for CARs licenses.

[90] ACA observes, ''the DBS providers misconceive the nature of the Commission's fee setting exercise, as it is not required to calculate fee levels with scientific precision.'' *See* ACA Reply Comments at 6.

[91] *FY 2015 Report and Order,* 30 FCC Rcd at 5369, para. 33; 80 FR 43019.

[92] DISH and AT&T Comments at 7–8.

fees on the same basis.[93] When interconnected Voice over Internet Protocol (VoIP) providers were added to the ITSP category in a permitted amendment the Commission observed that ''the costs and benefits associated with our regulation of interconnected VoIP providers are not identical as those associated with regulating interstate telecommunications service and CMRS.'' [94] Indeed, IPTV is not regulated in all the same ways as cable television, and yet the Commission requires them to pay fees on the same basis.[95] We recognize that DBS is not identical to cable, but the Media Bureau FTEs work on MVPD issues that include DBS. Although DBS is not identical to cable television and IPTV, the services all receive oversight and regulation as a result of the work of Media Bureau FTEs on MVPD issues, and the burden imposed on the Commission is similar.

28. After considering the comments filed in this proceeding, we conclude that moving the DBS rate is supported by the data and analysis, and therefore adopt a regulatory fee rate of 38 cents, per subscriber, per year for FY 2017.

C. Radio Broadcaster Regulatory Fees

29. In the *FY 2017 NPRM,* the Commission proposed to revise the table for AM and FM broadcasters.[96] The proposed table had revised ratios so that the difference between each tier would be proportional. We also sought comment on whether the regulatory fees should be reduced further for the AM and FM broadcasters in the two lowest tiers.

30. We received two comments on this issue. CRC, an AM station licensee, contends that the proposed fees for AM stations are too high.[97] CRC observes that small AM stations must compete against FM stations and other media and they generate significantly less revenue than FM stations.[98] CRC argues that the economic disparities between AM and FM facilities should be reflected in the regulatory fee schedules, particularly in the top tiers where the disparity in revenues is much greater than in the smaller markets.[99] Arso contends that the *FY 2017 NPRM* does not go far enough in alleviating the hardship imposed on small broadcasters and urges the Commission to adopt a fast track waiver process for stations in economically depressed areas, such as Puerto Rico.[100]

31. We agree with the commenters that small independent broadcasters face hardship today. As the Commission explained in the *FY 2016 Report and Order,* ''[e]xtending some relief to these small radio broadcasters may facilitate their continued ability to stay in business and serve their small and rural communities.'' [101] After reviewing the record, and due to the economic hardship faced by many small rural independent radio stations, we are adopting a revised version of the proposed table in the *FY 2017 NPRM* and reducing the regulatory fees in the two lowest population tiers for AM and FM broadcasters from the amounts proposed. In FY 2018, we will again review the status of these small radio broadcast stations to see if further relief is warranted. Below is the table we adopt today:

TABLE 1—FY 2017 RADIO STATION REGULATORY FEES

FY 2017 Radio Station Regulatory Fees						
Population served	AM Class A	AM Class B	AM Class C	AM Class D	FM Classes A, B1 & C3	FM Classes B, C, C0, C1 & C2
<=25,000	$895	$640	$555	$610	$980	$1,100
25,001–75,000	1,350	955	830	915	1,475	1,650
75,001–150,000	2,375	1,700	1,475	1,600	2,600	2,925
150,001–500,000	3,550	2,525	2,200	2,425	3,875	4,400
500,001–1,200,000	5,325	3,800	3,300	3,625	5,825	6,575
1,200,001–3,000,00	7,975	5,700	4,950	5,425	8,750	9,875
3,000,001–6,000,00	11,950	8,550	7,400	8,150	13,100	14,800
>6,000,000	17,950	12,825	11,100	12,225	19,650	22,225

D. Broadcast Television Satellite

32. Broadcast television satellite stations pay a lower regulatory fee than standalone full service broadcast television stations, and some of these stations are designated as such pursuant to note 5 to § 73.3555 of the Commission's rules.[102] For purposes of regulatory fees, we historically have identified as satellite stations those so listed in the Media Bureau's Consolidated Data Base System (CDBS), the Television and Cable Factbook, or BIA/Kelsey MEDIA Access Pro.[103] In the *FY 2017 NPRM,* the Commission sought comment on basing the categorization of television satellite stations for regulatory fee payments on authorization under note 5 of § 73.3555 of the Commission's rules, and noted that the Television and Cable Factbook may identify some stations as satellite stations that are not listed in the Media Bureau's records.[104] We received limited comments on the issue and do not have adequate support to change the methodology for determining which stations are satellites at this time. We recognize that regulatees rely on consistency of treatment. Therefore, for FY 2017 regulatory fees we treat broadcast television satellite stations as satellite stations that are listed as such in CDBS, the 2017 Television and Cable Factbook, or BIA/Kelsey MEDIA Access Pro, or paid regulatory fees as a satellite

[93] ITSP, regulated by the Wireline Competition Bureau, includes interexchange carriers (IXCs), incumbent local exchange carriers (LECs), toll resellers, Voice over Internet Providers (VoIP), and other service providers, all of which involve different degrees of regulatory oversight.

[94] *See Assessment and Collection of Regulatory Fees for Fiscal Year 2007,* Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 15712, 15719, para. 19 (2007) (*FY 2007 Report and Order*); 72 FR 45908, August 16, 2007.

[95] *FY 2013 Report and Order,* 28 FCC Rcd at 12362, para. 32 (''IPTV providers should be subject to the same regulatory fee as cable providers.''); 78 FR 52433.

[96] *FY 2017 NPRM,* 32 FCC Rcd at 4533, para. 19; 82 FR 26019.

[97] CRC Comments at 1.

[98] CRC Comments at 1.

[99] CRC Comments at 2.

[100] Arso Comments at 1–2.

[101] *FY 2016 Report and Order,* 31 FCC Rcd at 10351, para. 33; 81 FR 65926.

[102] *FY 2017 NPRM,* 31 FCC Rcd at 4534, para. 20; 82 FR 26019.

[103] *Id., FY 2017 NPRM,* 31 FCC Rcd at 4535, para. 21; 82 FR 26019.

[104] *Id., FY 2017 NPRM,* 31 FCC Rcd at 4535, para. 20; 82 FR 26019.

station in FY 2016.[105] In the future, we intend to continue examining the appropriate methodology for categorizing when a station should only be assessed regulatory fees at the satellite station level. In doing so, as with other fee reforms, the Commission will work to ensure that any proposed changes to our fee structure are equitable, administrable, and sustainable.[106]

E. Submarine Cable Regulatory Fees

33. The Coalition, a group of submarine cable operators, objects to the proposed FY 2017 regulatory fees for the submarine cable industry, observing that the total amount the Commission is collecting for FY 2017 ($356,710,992) is less than the amount collected for FY 2016 ($384,012,497, of which $44,168,497 was to offset facilities reduction costs), yet the regulatory fee for the highest tier submarine cable system was $133,200 for FY 2016 and the rate proposed for FY 2017, for the highest tier, is $135,700.[107] The Coalition states that the *FY 2017 NPRM* does not adequately justify the proposed increase in fees for submarine cable systems.[108] The Coalition argues that the FY 2016 rate included a one-time facilities reduction charge and the FY 2017 rate should be less than the FY 2016 rate because the number of payment units are the same.[109] The Coalition contends that the Commission is subsidizing unrelated activities to the detriment of the submarine cable operators.[110]

34. We disagree with the Coalition's argument. The increase in regulatory fee rates for the International Bureau regulatees is due to the reallocation of 38 Wireline Competition Bureau direct FTEs as indirect in FY 2017, as discussed above. Although the amount collected overall is less in FY 2017 than in FY 2016, the allocation percentage of regulatory fees for the International Bureau increased from 5.6 percent in FY 2016 [111] to 6.22 percent for FY 2017,[112] due to the increase in indirect FTEs. We also note that the regulatory fees paid by the submarine cable operators cover, in addition to the services that the International Bureau provides to submarine cable operators, the services provided to common carriers using submarine cable circuits.[113] The International Bureau provides many services on behalf of common carriers using submarine cable circuits, such as benchmarks enforcement,[114] protection from anticompetitive actions by foreign carriers, section 310(b) foreign ownership rulings, international section 214 authorizations, and representation of U.S. interests at bilateral and multilateral negotiations and international organizations.[115] After reviewing the record, including the comments from the submarine cable industry, we are adopting the fee proposed in the *FY 2017 NPRM* for submarine cable systems.

F. International Bearer Circuits

35. In 2009,[116] the Commission adopted a new methodology for calculating submarine cable international bearer circuits regulatory fees by: (i) Eliminating the distinction between common carriers and non-common carriers [117] and (ii) assessing a flat per cable landing license fee [118] for all submarine cable systems with higher fees for larger submarine cable systems and lower fees for smaller systems.[119] The Commission concluded that the new methodology would be more equitable and would encourage better compliance with the regulatory fee requirements.[120] The Commission did not revise the terrestrial and satellite IBC regulatory fee methodology at that time because of the ''complexity of the legal, policy and equity issues involved.'' [121]

36. In the *FY 2016 NPRM,* the Commission revisited the disparate treatment of terrestrial and satellite IBCs vis-à-vis submarine IBCs,[122] but subsequently decided that the record was insufficient to change the fee methodology.[123] In the *FY 2017 NPRM,* the Commission again sought comment on how to update and improve the regulatory fee assessment for terrestrial and satellite IBCs. Specifically, the Commission sought comment on several issues raised by Level 3:[124] Adopting a flat, per-provider fee, similar to the submarine cable regulatory fee methodology, based on capacity [125] and including all terrestrial IBCs, *i.e.,* both common carrier and non-common carrier, for regulatory fee purposes.[126] We also sought comment on eliminating the IBC regulatory fee for satellite IBCs and whether we should continue to assess regulatory fees based on IBCs that were active as of December 31 of the prior year.[127]

1. Including Non-Common Carrier IBCs

37. We agree with the commenters, Level 3 and AT&T, that a methodology for terrestrial and satellite IBC regulatory fees based on circuits should be consistent with the submarine cable methodology and include common carrier and non-common carrier terrestrial IBCs. Level 3 explains that including non-common carrier IBCs will ''eliminate a major incentive and opportunity providers currently have to underreport the number of IBCs they have in service.'' [128] As AT&T observes, such an approach treats all terrestrial IBC providers equitably and reduces fees by increasing the payment units.[129] For these reasons, we find no reason to continue excluding non-common carrier terrestrial IBCs from regulatory fees and adopt our proposal to include both common carrier and non-common carrier terrestrial IBCs, consistent with

[105] For purposes of determining whether a licensee qualifies as a satellite station for regulatory fee purposes, it must be so characterized in one of these sources as of the date of the Report and Order.

[106] *See FY 2013 NPRM,* 28 FCC Rcd at 7798–7807, paras. 17–40; 78 FR 34612.

[107] Coalition Comments at 3.

[108] Coalition Comments at 3.

[109] Coalition Comments at 5–6.

[110] Coalition Comments at 8.

[111] *FY 2016 Report and Order,* 31 FCC Rcd at 10347–350, para. 6; 81 FR 65926.

[112] *FY 2017 NPRM,* 32 FCC Rcd at 4529, para. 8; 82 FR 26019.

[113] *See FY 2015 Report and Order,* 30 FCC Rcd 10273, para. 12; 80 FR 55775.

[114] *See, e.g., International Settlement Rates,* IB Docket No. 96–261, Report and Order, 12 FCC Rcd 19806 (62 FR 45758, August 29, 1997), Report and Order on Reconsideration and Order Lifting Stay, 14 FCC Rcd 9256 (64 FR 47699, September 1, 1999), *aff'd sub nom. Cable & Wireless,* 166 F.3d 1224.

[115] *See FY 2015 Report and Order,* 30 FCC Rcd 10273, para. 12; 80 FR 55775.

[116] *Assessment and Collection of Regulatory Fees for Fiscal Year 2008,* Second Report and Order, 24 FCC Rcd 4208, 4214–16, paras. 13–17 (2009) (*Submarine Cable Order*); 74 FR 22104, (May 12, 2009).

[117] *Submarine Cable Order,* 24 FCC Rcd at 4213, para. 9; 74 FR 22104, 22106.

[118] The prior rule assessed regulatory fees based on the number of active circuits on the previous December 31.

[119] *Submarine Cable Order,* 24 FCC Rcd at 4214–16, paras. 13–17; 74 FR 22104, 22107–8.

[120] *Id., Submarine Cable Order,* 24 FCC Rcd at 4208–4209, para. 1; 74 FR 22104.

[121] *Assessment and Collection of Regulatory Fees for Fiscal Year 2009,* Report and Order, 24 FCC Rcd 10301, 10306–07, paras. 16–17 (2009); 74 FR 40089.

[122] *FY 2016 NPRM,* 31 FCC Rcd at 5764–65, paras. 15–16; 81 FR 35680.

[123] *FY 2016 Report and Order,* 31 FCC Rcd at 10343, para. 11; 81 FR 65926. Level 3 had initially proposed the flat fee methodology, for common carrier and non-common carrier providers, assessed based on the total capacity in Gbps. *See* Level 3 Comments, filed in MD Docket No. 16–166 (filed June 23, 2016), at 3–5.

[124] Level 3 Comments, filed in MD Docket No. 16–166 (filed June 23, 2016).

[125] The submarine cable fee is based on capacity per system; the proposed terrestrial and satellite fee would be based on overall capacity, but not on a per system basis.

[126] *FY 2017 NPRM,* 32 FCC Rcd at 4536–38, paras. 23–27; 82 FR 26019.

[127] 47 CFR 43.62(a)(1). Commenters support continuing to assess regulatory fees based on IBCs that were active as of December 31 of the prior year and we see no reason to change this methodology at this time.

[128] Level 3 June 29, 2017 ex parte at 1.

[129] AT&T Comments at 2 & Reply Comments at 1.

the submarine cable regulatory fee methodology.

38. Adding non-common carrier terrestrial IBCs to the regulatory fee schedule is a permitted amendment, as defined in section 9(b)(3) of the Act,[130] and pursuant to section 9(b)(4)(B),[131] must be submitted to Congress at least 90 days before it will be effective. For that reason, this new fee will be included in the regulatory fee proceeding for FY 2018.

2. Satellite IBCs

39. In the *FY 2017 NPRM,* we sought comment on whether to eliminate the IBC regulatory fee for satellite providers of IBCs.[132] SIA contends that the fee should be eliminated because it does not correspond with substantive work by the Commission and is overly burdensome for satellite operators to calculate.[133] According to SIA, calculating the number of circuits takes at least ten hours for in-house counsel and additional personnel in other departments are responsible for collecting data for this calculation.[134] The flat fee methodology for terrestrial and satellite IBCs should significantly reduce any burden of collecting data described by SIA. After reviewing the record, we do not see any reason to eliminate this fee category. Instead, we are moving toward a more consistent regulatory fee methodology for all IBCs and a less burdensome process for all regulatees.

3. Fee Based on Circuits as of December 31

40. In the *FY 2017 NPRM,* we sought comment on whether to assess the number of active circuits on systems active as of December 31 of the prior year or assess fees on IBCs that were active at any point during the preceding calendar year.[135] Level 3 and AT&T argue that the Commission should continue to assess regulatory fees based on IBCs that were active as of December 31 of the prior year because it is significantly less burdensome for carriers to identify circuits that are active at a fixed point in time as opposed to at any point during the preceding year.[136] We agree that the burdens associated with requiring providers to count the number of active circuits at any point during the preceding year does not outweigh the benefits. Therefore, we will retain the current requirement of assessing fees on systems active as of December 31 of the prior year.

G. Increasing the De Minimis Threshold

41. Under the Commission's current de minimis rule for regulatory fee payments, a regulatee is exempt from paying regulatory fees if the sum total of all of its regulatory fee liabilities for *annual* regulatory fees is $500 or less for the fiscal year.[137] The Commission increased the de minimis threshold from $10 to $500 in the *FY 2014 Report and Order.*[138] The higher threshold reflected the estimated costs of collecting an unpaid regulatory fee, *i.e.,* at least $350 in direct costs. The Commission's estimate of approximately $350 per unpaid fee excluded overhead or other costs involved in regulatory fee collection.[139] In addition, the Commission observed that setting the de minimis threshold at $500 was unlikely to reduce fee collections to an amount below the full amount of the Commission's annual appropriation.[140]

42. In the FY 2014 regulatory fee proceeding, commenters had argued the threshold should be increased to $750 or $1,000.[141] In response, the Commission adopted a new threshold of $500 for annual regulatory fee and committed to further monitor the de minimis threshold and consider whether to increase the threshold or revise on some other basis.[142] In the *FY 2017 NPRM,* we sought comment on increasing the de minimis threshold to $1,000 to improve the cost effectiveness of the Commission's collection of regulatory fees.[143] Commenters support an increase in the de minimis threshold.[144]

43. In general, we believe the Commission's operational costs associated with processing and collecting these smaller fees, outweigh the benefits of such payments. For example, payors between $500 and $1,000 account for less than one percent of all regulatory fee payments. And yet processing and collecting these fees generates a disproportionate amount of work for Commission staff. Specifically, the cost of researching, creating a bill to send to a non-payor, and completing all follow-up discussion and correspondence has increased since 2014's $350 estimate, and that does not even include the cost of overhead and administering the regulatory fee program.[145] The Commission has found that smaller entities with regulatory fees that fall within this range are less likely to pay on a timely basis and consequently use more Commission resources for fee collection.[146] Nonpayment by these small entities then often results in the escalation of the Commission's administrative costs and a disproportionate use of FTE resources. As such, the marginal benefit to Commission operations of assessing, billing, and collecting regulatory fees on regulatees that would owe less than $1,000 is minute. In addition, setting the threshold at $1,000 is unlikely to reduce fee collections to an amount below the full amount of the Commission's annual appropriation because the additional amount that would no longer be collected is relatively small. We conclude that raising the de minimis threshold to $1,000 is justified by reducing the Commission's cost in collection of regulatory fees, thus allowing a more efficient allocation of Commission resources.

44. We also sought comment on whether we should include multi-year wireless licenses in the de minimis threshold. EWA explains, and we agree, that it would be difficult to administer a de minimis threshold for multi-year licenses.[147] ACA proposes that we adopt a de minimis threshold for small cable and IPTV operators of 1000 or fewer subscribers.[148] After analyzing this issue we conclude that it would be administratively difficult to have both a per subscriber de minimis threshold and a $1000 de minimis threshold at the same time. Many cable operators also have CARS licenses and offer other services, such as VoIP, and it would be difficult to calculate if they exceed the de minimis threshold with two different thresholds.

45. Accordingly, the de minimis threshold we adopt today applies only to filers of *annual* regulatory fees for FY

[130] 47 U.S.C. 159(b)(3).

[131] 47 U.S.C. 159(b)(4)(B).

[132] *FY 2017 NPRM,* 32 FCC Rcd at 4537–38, para. 26; 82 FR 26019.

[133] SIA Comments at 4–5.

[134] SIA Comments at 5, note 18.

[135] *FY 2017 NPRM,* 32 FCC Rcd at 4538, para. 26; 82 FR 26019.

[136] Level 3 Comments at 2; AT&T Reply Comments at 5–6.

[137] *FY 2014 Report and Order,* 29 FCC Rcd at 10774–76, para. 18–21; 79 FR 54190.

[138] *Id.*

[139] *Id., FY 2014 Report and Order,* 29 FCC Rcd at 10775, para. 20 & n. 62; 79 FR 54190.

[140] *Id.*

[141] *Id.*

[142] *Id., FY 2014 Report and Order,* 29 FCC Rcd at 10775, para. 20; 79 FR 54190.

[143] *Id.* (observing that many small entities ''are subject to little Commission oversight and regulation which serves to further exacerbate this inequity [of the administrative burden].'').

[144] ACA Comments at 7–10; CMA Comments at 4; EWA Comments at 2; NAB Comments at 1–2; Romar Reply Comments at 2–3.

[145] *Id.*

[146] *Id.*

[147] EWA Comments at 2–4.

[148] ACA Comments at 9 (explaining that the small operators may also provide VoIP services and may not be de minimis under the $1000 threshold proposed).

2017 and not multi-year filings.[149] This de minimis exemption from the payment of regulatory fees applies to the sum of all annual regulatory fee obligations that a regulatee has for all applicable fee categories; not to individual payments for each category separately. The Commission will implement the de minimis threshold of $1,000 beginning immediately. The de minimis status is not a permanent exemption from regulatory fees. Rather, each regulatee will need to reevaluate annually to determine whether its total liability for annual regulatory fees falls at or below the threshold given any changes that the Commission may make in its regulatory fees from year to year.

V. Procedural Matters

A. Payment of Regulatory Fees

1. Checks Will Not Be Accepted for Payment of Annual Regulatory Fees

46. Pursuant to an Office of Management and Budget (OMB) directive,[150] the Commission is moving towards a paperless environment, extending to disbursement and collection of select federal government payments and receipts.[151] In 2015, the Commission stopped accepting checks (including cashier's checks and money orders) and the accompanying hardcopy forms (*e.g.,* Forms 159, 159–B, 159–E, 159–W) for the payment of regulatory fees.[152] All regulatory fee payments must be made by online Automated Clearing House (ACH) payment, online credit card, or wire transfer. Any other form of payment (*e.g.,* checks, cashier's checks, or money orders) will be rejected. For payments by wire, a Form 159–E should still be transmitted via fax so that the Commission can associate the wire payment with the correct regulatory fee information.

2. Credit Card Transaction Levels

47. Since June 1, 2015, in accordance with U.S. Treasury Announcement No. A–2014–04 (July 2014), the amount that can be charged on a credit card for transactions with federal agencies has been limited to $24,999.99.[153] Transactions greater than $24,999.99 will be rejected. This limit applies to single payments or bundled payments of more than one bill. Multiple transactions to a single agency in one day may be aggregated and treated as a single transaction subject to the $24,999.99 limit. Customers who wish to pay an amount greater than $24,999.99 should consider available electronic alternatives such as Visa or MasterCard debit cards, ACH debits from a bank account, and wire transfers. Each of these payment options is available after filing regulatory fee information in Fee Filer.

3. Payment Methods

48. During the fee season for collecting FY 2017 regulatory fees, regulatees can pay their fees by credit card through Pay.gov,[154] ACH, debit card,[155] or by wire transfer. Additional payment instructions are posted at *http://transition.fcc.gov/fees/regfees.html.* The receiving bank for all wire payments is the U.S. Treasury, New York, New York. When making a wire transfer, regulatees must fax a copy of their Fee Filer generated Form 159–E to the Federal Communications Commission at (202) 418–2843 at least one hour before initiating the wire transfer (but on the same business day) so as not to delay crediting their account. Regulatees should discuss arrangements (including bank closing schedules) with their bankers several days before they plan to make the wire transfer to allow sufficient time for the transfer to be initiated and completed before the deadline. Complete instructions for making wire payments are posted at *http://transition.fcc.gov/fees/wiretran.html.*

4. De Minimis Regulatory Fees

49. Regulatees whose total FY 2017 annual regulatory fee liability, including all categories of fees for which payment is due, is $1,000 or less are exempt from payment of FY 2017 regulatory fees. The de minimis threshold applies only to filers of annual regulatory fees (not regulatory fees paid through multi-year filings), and is not a permanent exemption. Regulatees will need to reevaluate their total fee liability each fiscal year to determine whether they meet the de minimis exemption.

5. Standard Fee Calculations and Payment Dates

50. The Commission will accept fee payments made in advance of the window for the payment of regulatory fees. The responsibility for payment of fees by service category is as follows:

- *Media Services:* Regulatory fees must be paid for initial construction permits that were granted on or before October 1, 2016 for AM/FM radio stations, VHF/UHF full service television stations, and satellite television stations. Regulatory fees must be paid for all broadcast facility licenses granted on or before October 1, 2016.
- *Wireline (Common Carrier) Services:* Regulatory fees must be paid for authorizations that were granted on or before October 1, 2016. In instances where a permit or license is transferred or assigned after October 1, 2016, responsibility for payment rests with the holder of the permit or license as of the fee due date. Audio bridging service providers are included in this category.[156] For Responsible Organizations (RespOrgs) that manage Toll Free Numbers (TFN), regulatory fees should be paid on all working, assigned, and reserved toll free numbers, as well as toll free numbers that are in any other status as defined in § 52.103 of the Commission's rules.[157] The unit count should be based on toll free numbers managed by RespOrgs on or about December 31, 2016.
- *Wireless Services:* CMRS cellular, mobile, and messaging services (fees based on number of subscribers or telephone number count): Regulatory fees must be paid for authorizations that were granted on or before October 1, 2016. The number of subscribers, units, or telephone numbers on December 31, 2016 will be used as the basis from which to calculate the fee payment. In instances where a permit or license is transferred or assigned after October 1, 2016, responsibility for payment rests with the holder of the permit or license as of the fee due date.

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[149] *See FY 2014 Report and Order,* 29 FCC Rcd at 10775, para. 21 (explaining how to calculate the regulatory fee total to determine if it is below the de minimis threshold); 79 FR 54190.

[150] Office of Management and Budget (OMB) Memorandum M–10–06, Open Government Directive, Dec. 8, 2009; *see also http://www.whitehouse.gov/the-press-office/2011/06/13/executive-order-13576-delivering-efficient-effective-and-accountable-gov.*

[151] *See* U.S. Department of the Treasury, Open Government Plan 2.1, Sept. 2012.

[152] *FY 2015 Report and Order,* 30 FCC Rcd at 10282–83, para. 35; 80 FR 55775.

[153] Customers who owe an amount on a bill, debt, or other obligation due to the federal government are prohibited from splitting the total amount due into multiple payments. Splitting an amount owed into several payment transactions violates the credit card network and Fiscal Service rules. An amount owed that exceeds the Fiscal Service maximum dollar amount, $24,999.99, may not be split into two or more payment transactions in the same day by using one or multiple cards. Also, an amount owed that exceeds the Fiscal Service maximum dollar amount may not be split into two or more transactions over multiple days by using one or more cards.

[154] In accordance with U.S. Treasury Financial Manual Announcement No. A–2014–04 (July 2014), the amount that may be charged on a credit card for transactions with federal agencies has been reduced to $24,999.99.

[155] In accordance with U.S. Treasury Financial Manual Announcement No. A–2012–02, the maximum dollar-value limit for debit card transactions is eliminated. Only Visa and MasterCard branded debit cards are accepted by *Pay.gov.*

[156] Audio bridging services are toll teleconferencing services.

[157] 47 CFR 52.103.

• *Wireless Services, Multi-year fees:* The first eight regulatory fee categories in our Schedule of Regulatory Fees in Table 4 pay ''small multi-year wireless regulatory fees.'' Entities pay these regulatory fees in advance for the entire amount period covered by the five-year or ten-year terms of their initial licenses, and pay regulatory fees again only when the license is renewed or a new license is obtained. We include these fee categories in our rulemaking to publicize our estimates of the number of ''small multi-year wireless'' licenses that will be renewed or newly obtained in FY 2017.

• *Multichannel Video Programming Distributor Services (cable television operators, CARS licensees, DBS, and IPTV):* Regulatory fees must be paid for the number of basic cable television subscribers as of December 31, 2016.[158] Regulatory fees also must be paid for CARS licenses that were granted on or before October 1, 2016. In instances where a permit or license is transferred or assigned after October 1, 2016, responsibility for payment rests with the holder of the permit or license as of the fee due date. For providers of DBS service and IPTV-based MVPDs, regulatory fees should be paid based on a subscriber count on or about December 31, 2016. In instances where a permit or license is transferred or assigned after October 31, 2016, responsibility for payment rests with the holder of the permit or license as of the due date.

• *International Services:* Regulatory fees must be paid for (1) earth stations and (2) geostationary orbit space stations and non-geostationary orbit satellite systems that were licensed and operational on or before October 1, 2016. In instances where a permit or license is transferred or assigned after October 1, 2016, responsibility for payment rests with the holder of the permit or license as of the fee due date.

• *International Services: (Submarine Cable Systems):* Regulatory fees for submarine cable systems are to be paid on a per cable landing license basis based on circuit capacity as of December 31, 2016. In instances where a license is transferred or assigned after October 1, 2016, responsibility for payment rests with the holder of the license as of the fee due date. For regulatory fee purposes, the allocation in FY 2017 will remain at 87.6 percent for submarine cable and 12.4 percent for satellite/terrestrial facilities.

• *International Services: (Terrestrial and Satellite Services):* Regulatory fees for Terrestrial and Satellite International Bearer Circuits are to be paid by facilities-based common carriers that have active (used or leased) international bearer circuits as of December 31, 2016 in any terrestrial or satellite transmission facility for the provision of service to an end user or resale carrier. When calculating the number of such active circuits, the facilities-based common carriers must include circuits used by themselves or their affiliates. In addition, non-common carrier satellite operators must pay a fee for each circuit they and their affiliates hold and each circuit sold or leased to any customer, other than an international common carrier authorized by the Commission to provide U.S. international common carrier services. For these purposes, ''active circuits'' include backup and redundant circuits as of December 31, 2016. Whether circuits are used specifically for voice or data is not relevant for purposes of determining that they are active circuits.[159] In instances where a permit or license is transferred or assigned after October 1, 2016, responsibility for payment rests with the holder of the permit or license as of the fee due date. For regulatory fee purposes, the allocation in FY 2017 will remain at 87.6 percent for submarine cable and 12.4 percent for satellite/terrestrial facilities.[160]

B. Commercial Mobile Radio Service (CMRS) Cellular and Mobile Services Assessments

51. The Commission will compile data from the Numbering Resource Utilization Forecast (NRUF) report that is based on ''assigned'' telephone number (subscriber) counts that have been adjusted for porting to net Type 0 ports (''in'' and ''out'').[161] This information of telephone numbers (subscriber count) will be posted on the Commission's electronic filing and payment system (Fee Filer) along with the carrier's Operating Company Numbers (OCNs).

52. A carrier wishing to revise its telephone number (subscriber) count can do so by accessing Fee Filer and follow the prompts to revise their telephone number counts. Any revisions to the telephone number counts should be accompanied by an explanation or supporting documentation.[162] The Commission will then review the revised count and supporting documentation and either approve or disapprove the submission in Fee Filer. If the submission is disapproved, the Commission will contact the provider to afford the provider an opportunity to discuss its revised subscriber count and/or provide additional supporting documentation. If we receive no response from the provider, or we do not reverse our initial disapproval of the provider's revised count submission, the fee payment must be based on the number of subscribers listed initially in Fee Filer. Once the timeframe for revision has passed, the telephone number counts are final and are the basis upon which CMRS regulatory fees are to be paid. Providers can view their final telephone counts online in Fee Filer. A final CMRS assessment letter will not be mailed out.

53. Because some carriers do not file the NRUF report, they may not see their telephone number counts in Fee Filer. In these instances, the carriers should compute their fee payment using the standard methodology that is currently in place for CMRS Wireless services (*i.e.,* compute their telephone number counts as of December 31, 2016), and submit their fee payment accordingly. Whether a carrier reviews its telephone number counts in Fee Filer or not, the Commission reserves the right to audit the number of telephone numbers for which regulatory fees are paid. In the event that the Commission determines that the number of telephone numbers that are paid is inaccurate, the Commission will bill the carrier for the difference between what was paid and what should have been paid.

C. Enforcement

54. To be considered timely, regulatory fee payments must be made electronically by the payment due date for regulatory fees. Section 9(c) of the Act requires us to impose a late payment penalty of 25 percent of the unpaid amount to be assessed on the

[158] Cable television system operators should compute their number of basic subscribers as follows: Number of single family dwellings + number of individual households in multiple dwelling unit (apartments, condominiums, mobile home parks, etc.) paying at the basic subscriber rate + bulk rate customers + courtesy and free service. Note: Bulk-Rate Customers = Total annual bulk-rate charge divided by basic annual subscription rate for individual households. Operators may base their count on ''a typical day in the last full week'' of December 2016, rather than on a count as of December 31, 2016.

[159] We encourage terrestrial and satellite service providers to seek guidance from the International Bureau's Telecommunications and Analysis Division to verify their IBC reporting processes to ensure that their calculation methods comply with our rules.

[160] We remind facilities-based common carriers to review their reporting processes to ensure that they accurately calculate and report IBCs.

[161] *See FY 2005 Report and Order,* 20 FCC Rcd at 12264, paras. 38–44; 70 FR 41967.

[162] In the supporting documentation, the provider will need to state a reason for the change, such as a purchase or sale of a subsidiary, the date of the transaction, and any other pertinent information that will help to justify a reason for the change.

first day following the deadline for filing these fees.[163] Failure to pay regulatory fees and/or any late penalty will subject regulatees to sanctions, including those set forth in § 1.1910 of the Commission's rules,[164] which generally requires the Commission to withhold action on ''applications, including on a petition for reconsideration or any application for review of a fee determination, or requests for authorization by any entity found to be delinquent in its debt to the Commission'' and in the DCIA.[165] We also assess administrative processing charges on delinquent debts to recover additional costs incurred in processing and handling the debt pursuant to the DCIA and § 1.1940(d) of the Commission's rules.[166] These administrative processing charges will be assessed on any delinquent regulatory fee, in addition to the 25 percent late charge penalty. In the case of partial payments (underpayments) of regulatory fees, the payor will be given credit for the amount paid, but if it is later determined that the fee paid is incorrect or not timely paid, then the 25 percent late charge penalty (and other charges and/or sanctions, as appropriate) will be assessed on the portion that is not paid in a timely manner.

55. Pursuant to the ''red light rule,'' we will withhold action on any applications or other requests for benefits filed by anyone who is delinquent in any non-tax debts owed to the Commission (including regulatory fees) and will ultimately dismiss those applications or other requests if payment of the delinquent debt or other satisfactory arrangement for payment is not made.[167] Failure to pay regulatory fees can also result in the initiation of a proceeding to revoke any and all authorizations held by the entity responsible for paying the delinquent fee(s).[168] Pursuant to a pilot program, we have initiated procedures to transfer debt to the Centralized Receivables Service at the U.S. Treasury, as described below.

D. Transfers of Unpaid Debt to Centralized Receivables Service (CRS), U.S. Treasury

56. Under section 9 of the Act, Commission rules, and federal debt collection laws, a licensee's regulatory fee is due on the first day of the fiscal year and payable at a date established in the Commission's annual regulatory fee Report and Order. In October 2015, the Commission, under revised procedures, began transferring unpaid regulatory fee receivables directly to the CRS at the U.S. Treasury rather than trying to collect the debt itself and then transferring the remaining unpaid debts to Treasury. Under revised procedures, the Commission can transfer delinquent debt to Treasury for further collection action within 120 days after the date of delinquency.[169] However, regulatees will not likely see any substantial change in the current procedures of how past due debts are to be paid, except that the debts will be handled by CRS (U.S. Treasury) rather than by the Commission.

E. Effective Date

57. Providing a 30-day period after **Federal Register** publication before this Report and Order becomes effective as required by 5 U.S.C. 553(d) will not allow sufficient time to collect the FY 2017 fees before FY 2017 ends on September 30, 2017. For this reason, pursuant to 5 U.S.C. 553(d)(3), we find there is good cause to waive the requirements of section 553(d), and this Report and Order will become effective upon publication in the **Federal Register**. Because payments of the regulatory fees will not actually be due until late September, persons affected by this *Report and Order* will still have a reasonable period in which to make their payments and thereby comply with the rules established herein.

VI. Additional Tables

Table 2—Commenters—Initial Comments

Commenter	Abbreviation
American Cable Association	ACA.
Arso Radio Corporation	Arso.
AT&T Services, Inc.	AT&T.
CenturyLink, Inc.	CenturyLink.
CRC Broadcasting Company, Inc	CRC.
Critical Messaging Association	CMA.
DISH Network, L.L.C. and AT&T Services, Inc	DISH and AT&T.
Enterprise Wireless Alliance	EWA.
Frontier Communications Corporation	Frontier.
ITTA—The Voice of America's Broadband Providers	ITTA.
Level 3 Communications, LLC	Level 3.
National Association of Broadcasters	NAB.
NCTA—The Internet and Television Association	NCTA.
Quincy Media, Inc.	QMI.
Ramar Communications, Inc.	Ramar.
Satellite Industry Association	SIA.
Submarine Cable Coalition	Coalition.
Commenters—Reply Comments	
American Cable Association	ACA.
AT&T Services, Inc.	AT&T.
CenturyLink, Inc.	CenturyLink.
CTIA®	CTIA.
Level 3 Communications, LLC	Level 3.

[163] 47 U.S.C. 159(c).

[164] *See* 47 CFR 1.1910.

[165] Delinquent debt owed to the Commission triggers the ''red light rule,'' which places a hold on the processing of pending applications, fee offsets, and pending disbursement payments. 47 CFR 1.1910, 1.1911, 1.1912. In 2004, the Commission adopted rules implementing the requirements of the DCIA. *See Amendment of Parts 0 and 1 of the Commission's Rules,* MD Docket No. 02–339, Report and Order, 19 FCC Rcd 6540 (69 FR 27843, May 17, 2004); 47 CFR part 1, subpart O, Collection of Claims Owed the United States.

[166] 47 CFR 1.1940(d).

[167] *See* 47 CFR 1.1161(c), 1.1164(f)(5), and 1.1910.

[168] 47 U.S.C. 159.

[169] *See* 31 U.S.C. 3711(g); 31 CFR 285.12; 47 CFR 1.1917.

Commenter	Abbreviation
Romar Communications, Inc.	Romar.
Commenter and date filed	**Abbreviation**
Ex Parte Filings	
American Cable Association (Aug. 30, 2017)	ACA.
AT&T Services, Inc. (July 27, 2017)	AT&T.
DISH Network, L.L.C. (Aug. 22, 2017)	DISH.
Level 3 Communications, LLC (June 29, July 24, 2017)	Level 3.
Ramar Communications, Inc. (July 21, Aug. 15, 21, 22, 2017)	Ramar.

Regulatory fees in the top seven fee categories are collected by the Commission in advance to cover the term of the license and are submitted at the time the application is filed.

Table 3—Calculation of FY 2017 Revenue Requirements and Pro-Rata Fees

Fee category	FY 2017 payment units	Yrs	FY 2016 revenue estimate	Pro-rated FY 2017 revenue requirement	Computed FY 2017 regulatory fee	Rounded FY 2017 Reg. fee	Expected FY 2017 revenue
PLMRS (Exclusive Use)	1,300	10	625,000	325,000	25	25	325,000
PLMRS (Shared use)	16,000	10	3,110,000	1,600,000	10	10	1,600,000
Microwave	11,800	10	3,125,000	2,950,000	25	25	2,950,000
Marine (Ship)	8,100	10	1,035,000	1,215,000	15	15	1,215,000
Aviation (Aircraft)	4,200	10	470,000	420,000	10	10	420,000
Marine (Coast)	150	10	192,500	60,000	40	40	60,000
Aviation (Ground)	1,100	10	220,000	220,000	20	20	220,000
AM Class A [4]	65	1	313,500	305,500	4,699	4,700	305,500
AM Class B [4]	1,523	1	3,875,875	3,807,500	2,488	2,500	3,807,500
AM Class C [4]	870	1	1,400,175	1,348,500	1,559	1,550	1,348,500
AM Class D [4]	1,492	1	4,587,900	4,476,000	3,004	3,000	4,476,000
FM Classes A, B1 & C3 [4]	3,150	1	9,678,200	9,371,250	2,987	2,975	9,371,250
FM Classes B, C, C0, C1 & C2 [4]	3,114	1	11,849,725	11,521,800	3,703	3,700	11,521,800
AM Construction Permits [1]	10	1	9,300	5,550	555	555	5,550
FM Construction Permits [1]	113	1	192,425	110,740	980	980	110,740
Satellite TV	126	1	224,000	217,350	1,722	1,725	217,350
Digital TV Markets 1–10	139	1	8,433,825	8,305,250	59,748	59,750	8,305,250
Digital TV Markets 11–25	131	1	6,348,825	5,898,275	45,013	45,025	5,898,275
Digital TV Markets 26–50	181	1	5,525,025	5,439,050	30,049	30,050	5,439,050
Digital TV Markets 51–100	285	1	4,301,600	4,289,250	14,976	14,975	4,267,875
Digital TV Remaining Markets	367	1	1,825,000	1,807,475	4,924	4,925	1,807,475
Digital TV Construction Permits [1]	3	1	15,000	14,775	4,925	4,925	14,775
LPTV/Translators/Boosters/Class A TV	4,051	1	1,785,420	1,741,930	428	430	1,741,930
CARS Stations	230	1	220,875	215,050	935	935	215,050
Cable TV Systems, including IPTV	62,000,000	1	64,200,000	58,900,000	.9529	.95	58,900,000
Direct Broadcast Satellite (DBS)	32,500,000	1	9,180,000	12,350,000	.3800	.38	12,350,000
Interstate Telecommunication Service Providers	$37,000,000,000	1	142,722,000	111,740,000	0.00302	0.00302	111,740,000
Toll Free Numbers	32,700,000	1	4,745,000	3,924,000	0.1174	0.12	3,924,000
CMRS Mobile Services (Cellular/Public Mobile)	393,000,000	1	73,200,000	82,530,000	0.210	0.21	82,530,000
CMRS Messag. Services	2,100,000	1	184,000	168,000	0.0800	0.080	168,000
BRS [2]	870	1	645,250	558,050	800	800	696,000
LMDS	395	1	286,375	454,250	800	800	316,000
Per 64 kbps Int'l Bearer Circuits Terrestrial (Common) & Satellite (Common & Non-Common)	30,056,000	1	638,000	801,295	.0267	.03	901,680
Submarine Cable Providers (see chart in Appendix C) [3]	41.19	1	5,486,242	5,660,765	137,437	137,425	5,660,261
Earth Stations	3,400	1	1,173,000	1,224,000	360	360	1,224,000
Space Stations (Geostationary)	97	1	13,155,125	13,669,725	140,924	140,925	13,669,725
Space Stations (Non-Geostationary)	7	1	911,700	947,450	135,343	135,350	947,450
****** Total Estimated Revenue to be Collected			384,890,362	358,571,405			358,670,986
****** Total Revenue Requirement			384,012,497	356,710,992			356,710,992
Difference			877,865	1,860,413			1,959,994

Notes on Table 3

[1] The AM and FM Construction Permit revenues and the Digital (VHF/UHF) Construction Permit revenues were adjusted, respectively, to set the regulatory fee to an amount no higher than the lowest licensed fee for that class of service. Reductions in the Digital (VHF/UHF) Construction Permit revenues, and in the AM and FM Construction Permit revenues, were offset by increases in the revenue totals for Digital television stations by market size, and in the AM and FM radio stations by class size and population served, respectively.

[2] MDS/MMDS category was renamed Broadband Radio Service (BRS). *See Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150–2162 and 2500–2690 MHz Bands,* Report & Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 14165, 14169, para. 6 (69 FR 72048, December 10, 2004).

[3] The chart at the end of Table 4 lists the submarine cable bearer circuit regulatory fees (common and non-common carrier basis) that resulted from the adoption of the *Assessment and Collection of Regulatory Fees for Fiscal Year 2008,* Report and Order and Further Notice of Proposed Rulemaking, 24 FCC Rcd 6388 (73 FR 50285, August 26, 2008) and *Assessment and Collection of Regulatory Fees for Fiscal Year 2008,* Second Report and Order, 24 FCC Rcd 4208 (74 FR 22104, May 12, 2009).

[4] The fee amounts listed in the column entitled ''Rounded New FY 2017 Regulatory Fee'' constitute a weighted average broadcast regulatory fee by class of service. The actual FY 2017 regulatory fees for AM/FM radio station are listed on a grid located at the end of Table 4.

Table 4—FY 2017 Schedule of Regulatory Fees

Regulatory fees in the top eight fee categories are collected by the Commission in advance to cover the term of the license and are submitted at the time the application is filed.

Fee category	Annual regulatory fee (U.S. $s)
PLMRS (per license) (Exclusive Use) (47 CFR part 90)	25
Microwave (per license) (47 CFR part 101)	25
Marine (Ship) (per station) (47 CFR part 80)	15
Marine (Coast) (per license) (47 CFR part 80)	40
Rural Radio (47 CFR part 22) (previously listed under the Land Mobile category)	10
PLMRS (Shared Use) (per license) (47 CFR part 90)	10
Aviation (Aircraft) (per station) (47 CFR part 87)	10
Aviation (Ground) (per license) (47 CFR part 87)	20
CMRS Mobile/Cellular Services (per unit) (47 CFR parts 20, 22, 24, 27, 80 and 90)	.21
CMRS Messaging Services (per unit) (47 CFR parts 20, 22, 24 and 90)	.08
Broadband Radio Service (formerly MMDS/MDS) (per license) (47 CFR part 27)	800
Local Multipoint Distribution Service (per call sign) (47 CFR part 101)	800
AM Radio Construction Permits	555
FM Radio Construction Permits	980
Digital TV (47 CFR part 73) VHF and UHF Commercial:	
Markets 1–10	59,750
Markets 11–25	45,025
Markets 26–50	30,050
Markets 51–100	14,975
Remaining Markets	4,925
Construction Permits	4,925
Satellite Television Stations (All Markets)	1,725
Low Power TV, Class A TV, TV/FM Translators & Boosters (47 CFR part 74)	430
CARS (47 CFR part 78)	935
Cable Television Systems (per subscriber) (47 CFR part 76), Including IPTV	.95
Direct Broadcast Service (DBS) (per subscriber) (as defined by section 602(13) of the Act)	.38
Interstate Telecommunication Service Providers (per revenue dollar)	.00302
Toll Free (per toll free subscriber) (47 CFR 52.101(f))	.12
Earth Stations (47 CFR part 25)	360
Space Stations (per operational station in geostationary orbit) (47 CFR part 25) also includes DBS Service (per operational station) (47 CFR part 100)	140,925
Space Stations (per operational system in non-geostationary orbit) (47 CFR part 25)	135,350
International Bearer Circuits—Terrestrial/Satellites (per 64KB circuit)	.03
Submarine Cable Landing Licenses Fee (per cable system)	See Table Below

FY 2017 Radio Station Regulatory Fees

Population served	AM Class A	AM Class B	AM Class C	AM Class D	FM Classes A, B1 & C3	FM Classes B, C, C0, C1 & C2
<=25,000	$895	$640	$555	$610	$980	$1,100
25,001–75,000	1,350	955	830	915	1,475	1,650
75,001–150,000	2,375	1,700	1,475	1,600	2,600	2,925
150,001–500,000	3,550	2,525	2,200	2,425	3,875	4,400
500,001–1,200,000	5,325	3,800	3,300	3,625	5,825	6,575
1,200,001–3,000,00	7,975	5,700	4,950	5,425	8,750	9,875
3,000,001–6,000,00	11,950	8,550	7,400	8,150	13,100	14,800
>6,000,000	17,950	12,825	11,100	12,225	19,650	22,225

International Bearer Circuits—Submarine Cable

Submarine cable systems (capacity as of December 31, 2016)	Fee amount
< 2.5 Gbps	$8,600
2.5 Gbps or greater, but less than 5 Gbps	17,175
5 Gbps or greater, but less than 10 Gbps	34,350
10 Gbps or greater, but less than 20 Gbps	68,725
20 Gbps or greater	137,425

Table 5—Sources of Payment Unit Estimates for FY 2017

In order to calculate individual service fees for FY 2017, we adjusted FY 2016 payment units for each service to more accurately reflect expected FY 2017 payment liabilities. We obtained our updated estimates through a variety of means. For example, we used Commission licensee data bases, actual prior year payment records and industry and trade association projections when available. The databases we consulted include our Universal Licensing System (ULS), International Bureau Filing System (IBFS), Consolidated Database System (CDBS) and Cable Operations and Licensing System (COALS), as well as reports generated within the Commission such as the Wireless Telecommunications Bureau's *Numbering Resource Utilization Forecast.*

We sought verification for these estimates from multiple sources and, in all cases, we compared FY 2017 estimates with actual FY 2016 payment units to ensure that our revised estimates were reasonable. Where appropriate, we adjusted and/or rounded our final estimates to take into consideration the fact that certain variables that impact on the number of payment units cannot yet be estimated with sufficient accuracy. These include an unknown number of waivers and/or exemptions that may occur in FY 2017 and the fact that, in many services, the number of actual licensees or station operators fluctuates from time to time due to economic, technical, or other reasons. When we note, for example, that our estimated FY 2017 payment units are based on FY 2016 actual payment units, it does not necessarily mean that our FY 2017 projection is the same number as in FY 2016. We have either rounded the FY 2017 number or adjusted it slightly to account for these variables.

Fee category	Sources of payment unit estimates
Land Mobile (All), Microwave, Marine (Ship & Coast), Aviation (Aircraft & Ground), Domestic Public Fixed.	Based on Wireless Telecommunications Bureau (WTB) projections of new applications and renewals taking into consideration existing Commission licensee data bases. Aviation (Aircraft) and Marine (Ship) estimates have been adjusted to take into consideration the licensing of portions of these services on a voluntary basis.
CMRS Cellular/Mobile Services	Based on WTB projection reports, and FY 16 payment data.
CMRS Messaging Services	Based on WTB reports, and FY 16 payment data.
AM/FM Radio Stations	Based on CDBS data, adjusted for exemptions, and actual FY 2016 payment units.
Digital TV Stations (Combined VHF/UHF units)	Based on CDBS data, adjusted for exemptions, and actual FY 2016 payment units.
AM/FM/TV Construction Permits	Based on CDBS data, adjusted for exemptions, and actual FY 2016 payment units.
LPTV, Translators and Boosters, Class A Television.	Based on CDBS data, adjusted for exemptions, and actual FY 2016 payment units.
BRS (formerly MDS/MMDS)	Based on WTB reports and actual FY 2016 payment units.
LMDS	Based on WTB reports and actual FY 2016 payment units.
Cable Television Relay Service (CARS) Stations.	Based on data from Media Bureau's COALS database and actual FY 2016 payment units.
Cable Television System Subscribers, Including IPTV Subscribers.	Based on publicly available data sources for estimated subscriber counts and actual FY 2016 payment units.
Interstate Telecommunication Service Providers	Based on FCC Form 499–Q data for the four quarters of calendar year 2016, the Wireline Competition Bureau projected the amount of calendar year 2016 revenue that will be reported on 2017 FCC Form 499–A worksheets due in April, 2017.
Earth Stations	Based on International Bureau ("IB") licensing data and actual FY 2016 payment units.
Space Stations (GSOs & NGSOs)	Based on IB data reports and actual FY 2016 payment units.
International Bearer Circuits	Based on IB reports and submissions by licensees, adjusted as necessary.
Submarine Cable Licenses	Based on IB license information.

Table 6—Factors, Measurements, and Calculations That Determine Station

Signal Contours and Associated Population Coverages

AM Stations

For stations with nondirectional daytime antennas, the theoretical radiation was used at all azimuths. For stations with directional daytime antennas, specific information on each day tower, including field ratio, phase, spacing, and orientation was retrieved, as well as the theoretical pattern root-mean-square of the radiation in all directions in the horizontal plane (RMS) figure (milliVolt per meter (mV/m) @1 km) for the antenna system. The standard, or augmented standard if pertinent, horizontal plane radiation pattern was calculated using techniques and methods specified in §§ 73.150 and 73.152 of the Commission's rules. Radiation values were calculated for each of 360 radials around the transmitter site. Next, estimated soil conductivity data was retrieved from a database representing the information in FCC Figure R3. Using the calculated horizontal radiation values, and the retrieved soil conductivity data, the distance to the principal community (5 mV/m) contour was predicted for each of the 360 radials. The resulting distance to principal community contours were used to form a geographical polygon. Population counting was accomplished by determining which 2010 block centroids were contained in the polygon. (A block centroid is the center point of a small area containing population as computed by the U.S. Census Bureau.) The sum of the population figures for all enclosed blocks represents the total population for the predicted principal community coverage area.

FM Stations

The greater of the horizontal or vertical effective radiated power (ERP) (kW) and respective height above average terrain (HAAT) (m) combination was used. Where the antenna height above mean sea level (HAMSL) was available, it was used in lieu of the average HAAT figure to calculate specific HAAT figures for each of 360 radials under study. Any available directional pattern information was applied as well, to produce a radial-specific ERP figure. The HAAT and ERP figures were used in conjunction with the Field Strength (50–50) propagation curves specified in 47 CFR 73.313 to predict the distance to the principal community (70 dBu (decibel above 1 microVolt per meter) or 3.17 mV/m) contour for each of the 360 radials. The

resulting distance to principal community contours were used to form a geographical polygon. Population counting was accomplished by determining which 2010 block centroids were contained in the polygon. The sum of the population figures for all enclosed blocks represents the total population for the predicted principal community coverage area.

Table 7—FY 2016 Schedule of Regulatory Fees

Regulatory fees in the top eight fee categories are collected by the Commission in advance to cover the term of the license and are submitted at the time the application is filed.

Fee Category	Annual regulatory fee (U.S. $s)
PLMRS (per license) (Exclusive Use) (47 CFR part 90)	25
Microwave (per license) (47 CFR part 101)	25
Marine (Ship) (per station) (47 CFR part 80)	15
Marine (Coast) (per license) (47 CFR part 80)	40
Rural Radio (47 CFR part 22) (previously listed under the Land Mobile category)	10
PLMRS (Shared Use) (per license) (47 CFR part 90)	10
Aviation (Aircraft) (per station) (47 CFR part 87)	10
Aviation (Ground) (per license) (47 CFR part 87)	20
CMRS Mobile/Cellular Services (per unit) (47 CFR parts 20, 22, 24, 27, 80 and 90)	.20
CMRS Messaging Services (per unit) (47 CFR parts 20, 22, 24 and 90)	.08
Broadband Radio Service (formerly MMDS/MDS) (per license) (47 CFR part 27)	725
Local Multipoint Distribution Service (per call sign) (47 CFR part 101)	725
AM Radio Construction Permits	620
FM Radio Construction Permits	1,075
Digital TV (47 CFR part 73) VHF and UHF Commercial:	
Markets 1–10	60,675
Markets 11–25	45,675
Markets 26–50	30,525
Markets 51–100	15,200
Remaining Markets	5,000
Construction Permits	5,000
Satellite Television Stations (All Markets)	1,750
Low Power TV, Class A TV, TV/FM Translators & Boosters (47 CFR part 74)	455
CARS (47 CFR part 78)	775
Cable Television Systems (per subscriber) (47 CFR part 76), Including IPTV	1.00
Direct Broadcast Service (DBS) (per subscriber) (as defined by section 602(13) of the Act)	.27
Interstate Telecommunication Service Providers (per revenue dollar)	.00371
Toll Free (per toll free subscriber) (47 CFR 52.101(f))	.13
Earth Stations (47 CFR part 25)	345
Space Stations (per operational station in geostationary orbit) (47 CFR part 25) also includes DBS Service (per operational station) (47 CFR part 100)	138,475
Space Stations (per operational system in non-geostationary orbit) (47 CFR part 25)	151,950
International Bearer Circuits—Terrestrial/Satellites (per 64KB circuit)	.02
Submarine Cable Landing Licenses Fee (per cable system)	See Table Below

FY 2016 Schedule of Regulatory Fees: (continued)

FY 2016 RADIO STATION REGULATORY FEES

Population served	AM Class A	AM Class B	AM Class C	AM Class D	FM Classes A, B1 & C3	FM Classes B, C, C0, C1 & C2
<=25,000	$990	$715	$620	$685	$1,075	$1,250
25,001–75,000	$1,475	$1,075	$925	$1,025	$1,625	$1,850
75,001–150,000	$2,200	$1,600	$1,375	$1,525	$2,400	$2,750
150,001–500,000	$3,300	$2,375	$2,075	$2,275	$3,600	$4,125
500,001–1,200,000	$5,500	$3,975	$3,450	$3,800	$6,000	$6,875
1,200,001–3,000,00	$8,250	$5,950	$5,175	$5,700	$9,000	$10,300
3,000,001–6,000,00	$11,000	$7,950	$6,900	$7,600	$12,000	$13,750
>6,000,000	$13,750	$9,950	$8,625	$9,500	$15,000	$17,175

FY 2016 SCHEDULE OF REGULATORY FEES

International Bearer Circuits—Submarine Cable

Submarine cable systems (capacity as of December 31, 2015)	Fee amount
< 2.5 Gbps	$8,325
2.5 Gbps or greater, but less than 5 Gbps	16,650
5 Gbps or greater, but less than 10 Gbps	33,300
10 Gbps or greater, but less than 20 Gbps	66,600
20 Gbps or greater	133,200

VII. Final Regulatory Flexibility Analysis

58. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[170] an Initial Regulatory Flexibility Analysis (IRFA) was included in the *Notice of Proposed Rulemaking*.[171] The Commission sought written public comment on these proposals including comment on the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the IRFA.[172]

A. Need for, and Objectives of, the Report and Order

59. In this *Report and Order,* we conclude the Assessment and Collection of Regulatory Fees for Fiscal Year (FY) 2017 proceeding to collect $356,710,992 in regulatory fees for FY 2017, pursuant to section 9 of the Communications Act of 1934, as amended (Communications Act or Act).[173] These regulatory fees will be due in September 2017. Under section 9 of the Communications Act, regulatory fees are mandated by Congress and collected to recover the regulatory costs associated with the Commission's enforcement, policy and rulemaking, user information, and international activities in an amount that can be reasonably expected to equal the amount of the Commission's annual appropriation.[174]

60. This *FY 2017 Report and Order* adopts a regulatory fee schedule that includes the following noteworthy changes from prior years: (1) A reallocation of 38 FTEs in the Wireline Competition Bureau from direct to indirect; (2) a reallocation of four FTEs from the Wireline Competition Bureau to the Wireless Telecommunications Bureau; (3) an updated regulatory fee for Direct Broadcast Satellite (DBS) providers, a subcategory in the cable television and Internet Protocol Television (IPTV) category; (4) adjustments to the regulatory fees on radio and television broadcasters; (5) an increase in the de minimis threshold for annual regulatory fee payments from $500 to $1,000; and (6) the elimination of the distinction between non-common carrier and common carrier terrestrial International Bearer Circuits (IBCs).

B. Summary of the Significant Issues Raised by the Public Comments in Response to the IRFA

61. None.

C. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

62. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules and policies, if adopted.[175] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' [176] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[177] A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[178] Nationwide, there are a total of approximately 27.9 million small businesses, according to the SBA.[179]

63. Wired Telecommunications Carriers. The U.S. Census Bureau defines this industry as ''establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.'' [180] The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees.[181] Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees.[182] Thus, under this size standard, most firms in this industry can be considered small.

64. Local Exchange Carriers (LECs). Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. The closest applicable NAICS code category is Wired Telecommunications Carriers as defined in paragraph 6 of this FRFA. Under the applicable SBA size standard, such a business is small if it has 1,500

[170] 5 U.S.C. 603. The RFA, 5 U.S.C. 601–612 has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law Number 104–121, Title II, 110 Stat. 847 (1996).

[171] *Assessment and Collection of Regulatory Fees for Fiscal Year 2017,* Notice of Proposed Rulemaking, MD Docket No. 17–134, 32 FCC Rcd 4526 (2017) (*FY 2017 NPRM*); 80 FR 26019, June 6, 2017.

[172] 5 U.S.C. 604.

[173] 47 U.S.C. 159.

[174] 47 U.S.C. 159(a).

[175] 5 U.S.C. 603(b)(3).

[176] 5 U.S.C. 601(6).

[177] 5 U.S.C. 601(3) (incorporating by reference the definition of ''small-business concern'' in the Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''

[178] 15 U.S.C. 632.

[179] *See* SBA, Office of Advocacy, ''Frequently Asked Questions,'' *https://www.sba.gov/sites/default/files/advocacy/SB-FAQ-2016_WEB.pdf.*

[180] *http://www.census.gov/cgi-bin/sssd/naics/naicsrch.*

[181] *See* 13 CFR 120.201, NAICS code 517110.

[182] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ5&prodType=table.*

or fewer employees.[183] According to Commission data, census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees.[184] The Commission therefore estimates that most providers of local exchange carrier service are small entities that may be affected by the rules adopted.

65. Incumbent LECs. Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. The closest applicable NAICS code category is Wired Telecommunications Carriers as defined in paragraph 6 of this FRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees.[185] According to Commission data, 3,117 firms operated in that year. Of this total, 3,083 operated with fewer than 1,000 employees.[186] Consequently, the Commission estimates that most providers of incumbent local exchange service are small businesses that may be affected by the rules and policies adopted. Three hundred and seven (307) Incumbent Local Exchange Carriers reported that they were incumbent local exchange service providers.[187] Of this total, an estimated 1,006 have 1,500 or fewer employees.[188]

66. Competitive Local Exchange Carriers (Competitive LECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers. Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. The appropriate NAICS code category is Wired Telecommunications Carriers, as defined in paragraph 6 of this FRFA. Under that size standard, such a business is small if it has 1,500 or fewer employees.[189] U.S. Census data for 2012 indicate that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees.[190] Based on this data, the Commission concludes that most Competitive LECS, CAPs, Shared-Tenant Service Providers, and Other Local Service Providers, are small entities. According to Commission data, 1,442 carriers reported that they were engaged in the provision of either competitive local exchange services or competitive access provider services.[191] Of these 1,442 carriers, an estimated 1,256 have 1,500 or fewer employees.[192] In addition, 17 carriers have reported that they are Shared-Tenant Service Providers, and all 17 are estimated to have 1,500 or fewer employees.[193] Also, 72 carriers have reported that they are Other Local Service Providers.[194] Of this total, 70 have 1,500 or fewer employees.[195] Consequently, based on internally researched FCC data, the Commission estimates that most providers of competitive local exchange service, competitive access providers, Shared-Tenant Service Providers, and Other Local Service Providers are small entities.

67. Interexchange Carriers (IXCs). Neither the Commission nor the SBA has developed a definition for Interexchange Carriers. The closest NAICS code category is Wired Telecommunications Carriers as defined in paragraph 6 of this FRFA. The applicable size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.[196] U.S. Census data for 2012 indicates that 3,117 firms operated during that year. Of that number, 3,083 operated with fewer than 1,000 employees.[197] According to internally developed Commission data, 359 companies reported that their primary telecommunications service activity was the provision of interexchange services.[198] Of this total, an estimated 317 have 1,500 or fewer employees.[199] Consequently, the Commission estimates that most interexchange service providers are small entities that may be affected by the rules adopted.

68. Prepaid Calling Card Providers. Neither the Commission nor the SBA has developed a small business definition specifically for prepaid calling card providers. The most appropriate NAICS code-based category for defining prepaid calling card providers is Telecommunications Resellers. This industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure. Mobile virtual networks operators (MVNOs) are included in this industry.[200] Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees.[201] U.S. Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, 1,341 operated with fewer than 1,000 employees.[202] Thus, under this category and the associated small business size standard, the majority of these prepaid calling card providers can be considered small entities. According to Commission data, 193 carriers have reported that they are engaged in the provision of prepaid calling cards.[203] All 193 carriers have 1,500 or fewer employees.[204] Consequently, the Commission estimates that the majority of prepaid calling card providers are small entities that may be affected by the rules adopted.

69. Local Resellers. Neither the Commission nor the SBA has developed a small business size standard specifically for Local Resellers. The SBA has developed a small business size standard for the category of Telecommunications Resellers. Under that size standard, such a business is small if it has 1,500 or fewer employees.[205] Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, 1,341 operated with fewer than 1,000 employees.[206] Under this category and the associated small business size standard, the majority of these local resellers can be considered small entities. According to Commission data, 213 carriers have reported that they are engaged in the provision of local resale

[183] 13 CFR 121.201, NAICS code 517110.

[184] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ5&prodType=table.*

[185] 13 CFR 121.201, NAICS code 517110.

[186] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ5&prodType=table.*

[187] *See Trends in Telephone Service,* Federal Communications Commission, Wireline Competition Bureau, Industry Analysis and Technology Division at Table 5.3 (September 2010) (*Trends in Telephone Service*).

[188] *Id.*

[189] 13 CFR 121.201, NAICS code 517110.

[190] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ5&prodType=table.*

[191] *See Trends in Telephone Service,* at Table 5.3.

[192] *Id.*

[193] *Id.*

[194] *Id.*

[195] *Id.*

[196] 13 CFR 121.201, NAICS code 517110.

[197] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ5&prodType=table.*

[198] *See Trends in Telephone Service,* at Table 5.3.

[199] *Id.*

[200] *http://www.census.gov/cgi-bin/ssd/naics/naicsrch.*

[201] 13 CFR 121.201, NAICS code 517911.

[202] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ5&prodType=table.*

[203] *See Trends in Telephone Service,* at Table 5.3.

[204] *Id.*

[205] 13 CFR 121.201, NAICS code 517911.

[206] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ5&prodType=table.*

services.[207] Of this total, an estimated 211 have 1,500 or fewer employees.[208] Consequently, the Commission estimates that the majority of local resellers are small entities that may be affected by the rules adopted.

70. Toll Resellers. The Commission has not developed a definition for Toll Resellers. The closest NAICS code Category is Telecommunications Resellers, and the SBA has developed a small business size standard for the category of Telecommunications Resellers.[209] Under that size standard, such a business is small if it has 1,500 or fewer employees.[210] Census data for 2012 show that 1,341 firms provided resale services during that year. Of that number, 1,341 operated with fewer than 1,000 employees.[211] Thus, under this category and the associated small business size standard, the majority of these resellers can be considered small entities. According to Commission data, 881 carriers have reported that they are engaged in the provision of toll resale services.[212] Of this total, an estimated 857 have 1,500 or fewer employees.[213] Consequently, the Commission estimates that the majority of toll resellers are small entities.

71. Other Toll Carriers. Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. The closest applicable NAICS code category is for Wired Telecommunications Carriers as defined in paragraph 6 of this FRFA. Under the applicable SBA size standard, such a business is small if it has 1,500 or fewer employees.[214] Census data for 2012 shows that there were 3,117 firms that operated that year. Of this total, 3,083 operated with fewer than 1,000 employees.[215] Thus, under this category and the associated small business size standard, most Other Toll Carriers can be considered small. According to internally developed Commission data, 284 companies reported that their primary telecommunications service activity was the provision of other toll carriage.[216] Of these, an estimated 279 have 1,500 or fewer employees.[217] Consequently, the Commission estimates that most Other Toll Carriers are small entities.

72. Wireless Telecommunications Carriers (except Satellite). This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves. Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless internet access, and wireless video services.[218] The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees. For this industry, Census data for 2012 show that there were 967 firms that operated for the entire year. Of this total, 955 firms had fewer than 1,000 employees. Thus, under this category and the associated size standard, the Commission estimates that the majority of wireless telecommunications carriers (except satellite) are small entities. Similarly, according to internally developed Commission data, 413 carriers reported that they were engaged in the provision of wireless telephony, including cellular service, Personal Communications Service (PCS), and Specialized Mobile Radio (SMR) services.[219] Of this total, an estimated 261 have 1,500 or fewer employees.[220] Thus, using available data, we estimate that the majority of wireless firms can be considered small.

73. Television Broadcasting. This Economic Census category ''comprises establishments primarily engaged in broadcasting images together with sound. These establishments operate television broadcasting studios and facilities for the programming and transmission of programs to the public.'' [221] These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for Television Broadcasting firms: those having $38.5 million or less in annual receipts.[222] The 2012 Economic Census reports that 751 television broadcasting firms operated during that year. Of that number, 656 had annual receipts of less than $25 million per year. Based on that Census data we conclude that most firms that operate television stations are small. The Commission has estimated the number of licensed commercial television stations to be 1,383.[223] In addition, according to Commission staff review of the BIA Advisory Services, LLC's Media Access Pro Television Database, on March 28, 2012, about 950 of an estimated 1,300 commercial television stations (or approximately 73 percent) had revenues of $14 million or less.[224] We therefore estimate that the majority of commercial television broadcasters are small entities.

74. In assessing whether a business concern qualifies as small under the above definition, business (control) affiliations [225] must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive to that extent.

75. In addition, the Commission has estimated the number of licensed noncommercial educational television stations to be 394.[226] These stations are non-profit, and therefore considered to be small entities.[227] There are also 2,382 low power television stations, including

[207] *See Trends in Telephone Service,* at Table 5.3.

[208] *Id.*

[209] 13 CFR 121.201, NAICS code 517911.

[210] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ5&prodType=table.*

[211] *Id.*

[212] *Trends in Telephone Service,* at Table 5.3.

[213] *Id.*

[214] 13 CFR 121.201, NAICS code 517110.

[215] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ5&prodType=table.*

[216] *Trends in Telephone Service,* at Table 5.3.

[217] *Id.*

[218] NAICS code 517210. *See http://www.census.gov/cgi-bin/ssd/naics/naicscrch.*

[219] *Trends in Telephone Service,* at Table 5.3.

[220] *Id.*

[221] U.S. Census Bureau, 2012 NAICS code Economic Census Definitions, *http://www.census.gov.cgi-bin/sssd/naics/naicsrch.*

[222] 13 CFR 121.201, NAICS code 515120.

[223] *See FCC News Release,* ''Broadcast Station Totals as of March 31, 2017,'' April 11, 2017; *https://apps.fcc.gov/edocs_public/attachmatch/DOC-344256A1.pdf.*

[224] We recognize that BIA's estimate differs slightly from the FCC total.

[225] ''[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has to power to control both.'' 13 CFR 21.103(a)(1).

[226] *See FCC News Release,* ''Broadcast Station Totals as of March 31, 2017,'' April 11, 2017; *https://apps.fcc.gov/edocs_public/attachmatch/DOC-344256A1.pdf.*

[227] *See generally* 5 U.S.C. 601(4), (6).

Class A stations.[228] Given the nature of these services, we will presume that all LPTV licensees qualify as small entities under the above SBA small business size standard.

76. Radio Stations. This Economic Census category ''comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources.'' [229] The SBA has established a small business size standard for this category, which is: Such firms having $38.5 million or less in annual receipts.[230] Census data for 2012 show that 2,849 radio station firms operated during that year. Of that number, 2,806 operated with annual receipts of less than $25 million per year. [231] According to Commission staff review of BIA Advisory Services, LLC's Media Access Pro Radio Database, on March 28, 2012, about 10,759 (97 percent) of 11,102 commercial radio stations had revenues of $38.5 million or less. Therefore, most such entities are small entities.

77. In assessing whether a business concern qualifies as small under the above size standard, business affiliations must be included.[232] In addition, to be determined to be a ''small business,'' the entity may not be dominant in its field of operation.[233] We note that it is difficult at times to assess these criteria in the context of media entities, and our estimate of small businesses may therefore be over-inclusive.

78. Cable Television and Other Subscription Programming. This industry comprises establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis. The broadcast programming is typically narrowcast in nature (*e.g.,* limited format, such as news, sports, education, or youth-oriented). These establishments produce programming in their own facilities or acquire programming from external sources. The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for transmission to viewers.[234] The SBA has established a size standard for this industry of $38.5 million or less. Census data for 2012 shows that there were 367 firms that operated that year. Of this total, 319 operated with annual receipts of less than $25 million.[235] Thus under this size standard, most firms offering cable and other program distribution services can be considered small and may be affected by rules adopted.

79. Cable Companies and Systems. The Commission has developed its own small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers nationwide.[236] Industry data indicate that there are currently 4,413 active cable systems in the United States.[237] Of this total, all but ten cable operators nationwide are small under the 400,000-subscriber size standard.[238] In addition, under the Commission's rate regulation rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers.[239] Current Commission records show 4,413 cable systems nationwide.[240] Of this total, 3,900 cable systems have fewer than 15,000 subscribers, and 700 systems have 15,000 or more subscribers, based on the same records.[241] Thus, under this standard as well, we estimate that most cable systems are small entities.

80. Cable System Operators (Telecom Act Standard). The Communications Act also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' [242] There are approximately 53 million cable video subscribers in the United States today.[243] Accordingly, an operator serving fewer than 524,037 subscribers shall be deemed a small operator if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate.[244] Based on available data, we find that all but nine incumbent cable operators are small entities under this size standard.[245] We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million.[246] Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250 million, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

81. Direct Broadcast Satellite (DBS) Service. DBS Service is a nationally distributed subscription service that delivers video and audio programming via satellite to a small parabolic dish antenna at the subscriber's location. DBS is now included in SBA's economic census category ''Wired Telecommunications Carriers.'' The Wired Telecommunications Carriers industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution; and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they

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[228] *See FCC News Release,* ''Broadcast Station Totals as of March 31, 2017,'' April 11, 2017; *https://apps.fcc.gov/edocs_public/attachmatch/DOC-344256A1.pdf.*

[229] *https://www.census.gov.cgi-bin/sssd/naics/naicsrch.*

[230] 13 CFR 121.201, NAICS code 515112.

[231] *http://factfinder.census.gov/faces/table services/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ5&prodType=table.*

[232] ''Concerns and entities are affiliates of each other when one controls or has the power to control the other, or a third party or parties controls or has the power to control both. It does not matter whether control is exercised, so long as the power to control exists.'' 13 CFR 121.103(a)(1) (an SBA regulation).

[233] 13 CFR 121.102(b) (an SBA regulation).

[234] *https://www.census.gov.cgi-bin/sssd/naics/naicsrch.*

[235] *http://factfinder.census.gov/faces/table services/jsf/pages/productview.xhtml?pid=ECN_2012_US–51SSSZ5&prodType=Table.*

[236] 47 CFR 76.901(e).

[237] *See Eighteenth Competition Report,* 32 FCC Rcd at 584, para. 39 (citing the Commission's Cable Operations and Licensing Systems (COALS) database).

[238] *See https://www.snl.com/web/client?auth=inherit#industry/topCableMSOs* (last visited July 18, 2017).

[239] 47 CFR 76.901(c)

[240] *See* footnote 2, *supra.*

[241] August 5, 2015 report from the Media Bureau based on its research in COALS. *See www.fcc.gov/coals.*

[242] 47 CFR 76.901(f) and notes ff. 1, 2, and 3.

[243] *See* NCTA Industry Data, Cable's Customer Base, available at *https://www.ncta.com/industry-data* (last visited July 6, 2017).

[244] 47 CFR 76.901(f) and notes ff. 1, 2, and 3.

[245] *See https://www.snl.com/web/client?auth=inherit#industry/topCableMSOs* (last visited July 18, 2018).

[246] The Commission does receive such information on a case-by-case basis if a cable operator appeals a local franchise authority's finding that the operator does not qualify as a small cable operator pursuant to § 76.901(f) of the Commission's rules. *See* 47 CFR 76.901(f).

operate are included in this industry.[247] The SBA determines that a wireline business is small if it has fewer than 1500 employees.[248] Census data for 2012 indicate that 3,117 wireline companies were operational during that year. Of that number, 3,083 operated with fewer than 1,000 employees.[249] Based on that data, we conclude that most wireline firms are small under the applicable standard. However, currently only two entities provide DBS service, AT&T and DISH Network. AT&T and DISH Network each report annual revenues that are in excess of the threshold for a small business. Accordingly, we conclude that DBS service is provided only by large firms.

82. All Other Telecommunications. ''All Other Telecommunications'' is defined as follows: This U.S. industry is comprised of establishments that are primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Establishments providing Internet services or voice over Internet protocol (VoIP) services via client-supplied telecommunications connections are also included in this industry.[250] The SBA has developed a small business size standard for ''All Other Telecommunications,'' which consists of all such firms with gross annual receipts of $32.5 million or less.[251] For this category, census data for 2012 show that there were 1,442 firms that operated for the entire year. Of these firms, a total of 1,400 had gross annual receipts of less than $25 million.[252] Thus, most ''All Other Telecommunications'' firms potentially affected by the rules adopted can be considered small.

83. RespOrgs. RespOrgs, *i.e.,* Responsible Organizations, are entities chosen by toll-free subscribers to manage and administer the appropriate records in the toll-free Service Management System for the toll-free subscriber.[253] Although RespOrgs are often wireline carriers, they can also include non-carrier entities. Therefore, in the definition herein of RespOrgs, two categories are presented, *i.e.,* Carrier RespOrgs and Non-Carrier RespOrgs.

84. Carrier RespOrgs. Neither the Commission, the U.S. Census, nor the SBA have developed a definition for Carrier RespOrgs. Accordingly, the Commission believes that the closest NAICS code-based definitional categories for Carrier RespOrgs are Wired Telecommunications Carriers [254] and Wireless Telecommunications Carriers (except satellite).[255]

85. The U.S. Census Bureau defines Wired Telecommunications Carriers as establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.[256] The SBA has developed a small business size standard for Wired Telecommunications Carriers, which consists of all such companies having 1,500 or fewer employees.[257] Census data for 2012 show that there were 3,117 Wired Telecommunications Carrier firms that operated for that entire year. Of that number, 3,083 operated with less than 1,000 employees.[258] Based on that data, we conclude that most Carrier RespOrgs that operated with wireline-based technology are small.

86. The U.S. Census Bureau defines Wireless Telecommunications Carriers (except satellite) as establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves, such as cellular services, paging services, wireless internet access, and wireless video services.[259] The appropriate size standard under SBA rules is that such a business is small if it has 1,500 or fewer employees.[260] Census data for 2012 show that 967 Wireless Telecommunications Carriers operated in that year. Of that number, 955 operated with less than 1,000 employees.[261] Based on that data, we conclude that most Carrier RespOrgs that operated with wireless-based technology are small.

87. Non-Carrier RespOrgs. Neither the Commission, the Census, nor the SBA have developed a definition of Non-Carrier RespOrgs. Accordingly, the Commission believes that the closest NAICS code-based definitional categories for Non-Carrier RespOrgs are ''Other Services Related To Advertising'' [262] and ''Other Management Consulting Services.'' [263]

88. The U.S. Census defines Other Services Related to Advertising as comprising establishments primarily engaged in providing advertising services (except advertising agency services, public relations agency services, media buying agency services, media representative services, display advertising services, direct mail advertising services, advertising material distribution services, and marketing consulting services.[264] The SBA has established a size standard for this industry as annual receipts of $15 million dollars or less.[265] Census data for 2012 show that 5,804 firms operated in this industry for the entire year. Of that number, 5,249 operated with annual receipts of less than $10 million.[266] Based on that data we conclude that most Non-Carrier RespOrgs who provide TFN-related advertising services are small.

89. The U.S. Census defines Other Management Consulting Services as establishments primarily engaged in providing management consulting services (except administrative and general management consulting; human resources consulting; marketing consulting; or process, physical distribution, and logistics consulting).

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[247] *http://www.census.gov/cgi-bin/sssd/naics/naicsrch.*

[248] NAICS code 517110; 13 CFR 121.201.

[249] *http://factfinder.census.gov/faces/tableservices.jasf/pages/productview.xhtml?pid+ECN_2012_US.51SSSZ4&prodType=table.*

[250] *http://www.census.gov/cgi-bin/ssssd/naics/naicsrch.*

[251] 13 CFR 121.201; NAICS code 517919.

[252] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ4&prodType=table.*

[253] *See* 47 CFR 52.101(b)

[254] 13 CFR 121.201, NAICS code 517110

[255] 13 CFR 121.201, NAICS code 517210.

[256] *http://www.census.gov/cgi-bin/sssd/naics.naicsrch.*

[257] 13 CFR 120.201, NAICS code 517110.

[258] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ4&prodType=table.*

[259] *http://www.census.gov/cgi-bin/sssd/naics.naicsrch.*

[260] 13 CFR 120.201, NAICS code 517120.

[261] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ4&prodType=table.*

[262] 13 CFR 120.201, NAICS code 541890.

[263] 13 CFR 120.201, NAICS code 541618.

[264] *http://www.census.gov/cgi-bin/sssd/naics.naicsrch.*

[265] 13 CFR 120.201, NAICS code 541890.

[266] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ4&prodType=table.*

Establishments providing telecommunications or utilities management consulting services are included in this industry.[267] The SBA has established a size standard for this industry of $15 million dollars or less.[268] Census data for 2012 show that 3,683 firms operated in this industry for that entire year. Of that number, 3,632 operated with less than $10 million in annual receipts. [269] Based on this data, we conclude that most non-carrier RespOrgs who provide TFN-related management consulting services are small.[270]

90. In addition to the data contained in the four (see above) U.S. Census NAICS code categories that provide definitions of what services and functions the Carrier and Non-Carrier RespOrgs provide, Somos, the trade association that monitors RespOrg activities, compiled data showing that as of July 1, 2016, there were 23 RespOrgs operational in Canada and 436 RespOrgs operational in the United States, for a total of 459 RespOrgs currently registered with Somos.[271]

D. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

91. This *Report and Order* does not adopt any new reporting, recordkeeping, or other compliance requirements.

E. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

92. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its approach, which may include the following four alternatives, among others: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[272]

93. This *Report and Order* does not adopt any new reporting requirements. Therefore, no adverse economic impact on small entities will be sustained based on reporting requirements.

94. In keeping with the requirements of the Regulatory Flexibility Act, we have considered certain alternative means of mitigating the effects of fee increases to a particular industry segment. For example, the Commission increased the de minimis threshold from $500 to $1,000, which will impact many small entities that pay regulatory fees. Historically, many of these small entities have been late in making their fee payments to the Commission by the due date. This increase in the de minimis threshold to $1,000 will relieve regulatees both financially and administratively. This *Report and Order* also adopts regulatory fees for the smaller market AM and FM broadcast radio stations at a lower amount than had been proposed. Finally, regulatees may also seek waivers or other relief on the basis of financial hardship. *See* 47 CFR 1.1166.

F. Federal Rules That May Duplicate, Overlap, or Conflict

95. None.

VIII. Ordering Clauses

96. Accordingly, *it is ordered* that, pursuant to sections 4(i) and (j), 9, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 159, and 303(r), this *Report and Order is hereby adopted.*

97. *It is further ordered* that this *Report and Order shall be effective* upon publication in the **Federal Register**.

98. *It is further ordered* that the Commission's Consumer & Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Report and Order,* including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the U.S. Small Business Administration.

List of Subjects in 47 CFR Part 1

Administrative practice and procedure, Civil rights, Claims, Communications common carriers, Cuba, Drug abuse, Environmental impact statements, Equal access to justice, Equal employment opportunity, Federal buildings and facilities, Government employees, Income taxes, Indemnity payments, Individuals with disabilities, Investigations, Lawyers, Metric system, Penalties, Radio, Reporting and recordkeeping requirements, Telecommunications, Television, Wages.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 1 as follows:

PART 1—PRACTICE AND PROCEDURE

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

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

■ 2. Section 1.1152 is revised to read as follows:

§ 1.1152 Schedule of annual regulatory fees for wireless radio services.

Exclusive use services (per license)	Fee amount [1]
1. Land Mobile (Above 470 MHz and 220 MHz Local, Base Station & SMRS) (47 CFR part 90).	
(a) New, Renew/Mod (FCC 601 & 159)	$25.00
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159)	25.00
(c) Renewal Only (FCC 601 & 159)	25.00
(d) Renewal Only (Electronic Filing) (FCC 601 & 159)	25.00
220 MHz Nationwide:	
(a) New, Renew/Mod (FCC 601 & 159)	25.00
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159)	25.00
(c) Renewal Only (FCC 601 & 159)	25.00
(d) Renewal Only (Electronic Filing) (FCC 601 & 159)	25.00

[267] *http://www.census.gov/cgi-bin/sssd/naics.naicsrch.*

[268] 13 CFR 120.201, NAICS code 514618.

[269] *http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ECN_2012_US_51SSSZ4&prodType=table.*

[270] The four NAICS code-based categories selected above to provide definitions for Carrier and Non-Carrier RespOrgs were selected because as a group they refer generically and comprehensively to all RespOrgs. Therefore, all RespOrgs, including those not identified specifically or individually, must comply with the rules adopted in the Regulatory Fees Report and Order associated with this Final Regulatory Flexibility Analysis.

[271] Email from Jennifer Blanchard of SOMOS dated July 1, 2016.

[272] 5 U.S.C. 603(c)(1)–(c)(4).

Exclusive use services (per license)	Fee amount [1]
2. Microwave (47 CFR Pt. 101) (Private).	
(a) New, Renew/Mod (FCC 601 & 159)	25.00
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159)	25.00
(c) Renewal Only (FCC 601 & 159)	25.00
(d) Renewal Only (Electronic Filing) (FCC 601 & 159)	25.00
3. Shared Use Services Land Mobile (Frequencies Below 470 MHz—except 220 MHz).	
(a) New, Renew/Mod (FCC 601 & 159)	10.00
(b) New, Renew/Mod (Electronic Filing) (FCC 601 & 159)	10.00
(c) Renewal Only (FCC 601 & 159)	10.00
(d) Renewal Only (Electronic Filing) (FCC 601 & 159)	10.00
Rural Radio (Part 22):	
(a) New, Additional Facility, Major Renew/Mod (Electronic Filing) (FCC 601 & 159)	10.00
(b) Renewal, Minor Renew/Mod (Electronic Filing) (FCC 601 & 159) Marine Coast	10.00
Marine Coast (per license) (47 CFR part 80):	
(a) New Renewal/Mod (FCC 601 & 159)	40.00
(b) New, Renewal/Mod (Electronic Filing) (FCC 601 & 159)	40.00
(c) Renewal Only (FCC 601 & 159)	40.00
(d) Renewal Only (Electronic Filing) (FCC 601 & 159)	40.00
Aviation Ground:	
(a) New, Renewal/Mod (FCC 601 & 159)	20.00
(b) New, Renewal/Mod (Electronic Filing) (FCC 601 & 159)	20.00
(c) Renewal Only (FCC 601 & 159)	20.00
(d) Renewal Only (Electronic Only) (FCC 601 & 159)	20.00
Marine Ship:	
(a) New, Renewal/Mod (FCC 605 & 159)	15.00
(b) New, Renewal/Mod (Electronic Filing) (FCC 605 & 159)	15.00
(c) Renewal Only (FCC 605 & 159)	15.00
(d) Renewal Only (Electronic Filing) (FCC 605 & 159)	15.00
Aviation Aircraft:	
(a) New, Renew/Mod (FCC 605 & 159)	10.00
(b) New, Renew/Mod (Electronic Filing) (FCC 605 & 159)	10.00
(c) Renewal Only (FCC 605 & 159)	10.00
(d) Renewal Only (Electronic Filing) (FCC 605 & 159)	10.00
4. CMRS Cellular/Mobile Services (per unit) (FCC 159)	[2] .21
5. CMRS Messaging Services (per unit) (FCC 159)	[3] .08
6. Broadband Radio Service (formerly MMDS and MDS)	800
7. Local Multipoint Distribution Service	800

[1] Note that ''small fees'' are collected in advance for the entire license term. Therefore, the annual fee amount shown in this table that is a small fee (categories 1 through 5) must be multiplied by the 10-year license term to arrive at the total amount of regulatory fees owed. Also, application fees may apply as detailed in § 1.1102.

[2] These are standard fees that are to be paid in accordance with § 1.1157(b).

[3] These are standard fees that are to be paid in accordance with § 1.1157(b).

■ 3. Section 1.1153 is revised to read as follows:

§ 1.1153 Schedule of annual regulatory fees and filing locations for mass media services.

Radio [AM and FM] (47 CFR part 73)	Fee amount
1. *AM Class A:*	
≤25,000 population	$895
25,001–75,000 population	1,350
75,001–150,000 population	2,375
150,001–500,000 population	3,550
500,001–1,200,000 population	5,325
1,200,001–3,000,000 population	7,975
3,000,001–6,000,000 population	11,950
>6,000,000 population	17,950
2. *AM Class B:*	
≤25,000 population	640
25,001–75,000 population	955
75,001–150,000 population	1,700
150,001–500,000 population	2,525
500,001–1,200,000 population	3,800
1,200,001–3,000,000 population	5,700
3,000,001–6,000,000 population	8,550
>6,000,000 population	12,825
3. *AM Class C:*	
≤25,000 population	555
25,001–75,000 population	830
75,001–150,000 population	1,475

Radio [AM and FM] (47 CFR part 73)	Fee amount
150,001–500,000 population	2,200
500,001–1,200,000 population	3,300
1,200,001–3,000,000 population	4,950
3,000,001–6,000,000 population	7,400
>6,000,000 population	11,100
4. *AM Class D:*	
≤25,000 population	610
25,001–75,000 population	915
75,001–150,000 population	1,600
150,001–500,000 population	2,425
500,001–1,200,000 population	3,625
1,200,001–3,000,000 population	5,425
3,000,001–6,000,000 population	8,150
>6,000,000 population	12,225
5. AM Construction Permit	555
6. *FM Classes A, B1 and C3:*	
≤25,000 population	980
25,001–75,000 population	1,475
75,001–150,000 population	2,600
150,001–500,000 population	3,875
500,001–1,200,000 population	5,825
1,200,001–3,000,000 population	8,750
3,000,001–6,000,000 population	13,100
>6,000,000 population	19,650
7. *FM Classes B, C, C0, C1 and C2:*	
≤25,000 population	1,100
25,001–75,000 population	1,650
75,001–150,000 population	2,925
150,001–500,000 population	4,400
500,001–1,200,000 population	6,575
1,200,001–3,000,000 population	9,875
3,000,001–6,000,000 population	14,800
>6,000,000 population	22,225
8. FM Construction Permits	980
TV (47 CFR part 73)	
Digital TV (UHF and VHF Commercial Stations):	
1. Markets 1 thru 10	$59,750
2. Markets 11 thru 25	45,025
3. Markets 26 thru 50	30,050
4. Markets 51 thru 100	14,975
5. Remaining Markets	4,925
6. Construction Permits	4,925
Satellite UHF/VHF Commercial:	
1. All Markets	1,725
Low Power TV, Class A TV, TV/FM Translator, & TV/FM Booster (47 CFR part 74)	430

■ 4. Section 1.1154 is revised to read as follows:

§ 1.1154 Schedule of annual regulatory charges for common carrier services.

Radio facilities	Fee amount
1. Microwave (Domestic Public Fixed) (Electronic Filing) (FCC Form 601 & 159)	$25.00.
Carriers	
1. Interstate Telephone Service Providers (per interstate and international end-user revenues (see FCC Form 499–A)	.00302.
2. Toll Free Number Fee	.12 per Toll Free Number.

■ 5. Section 1.1155 is revised to read as follows:

§ 1.1155 Schedule of regulatory fees for cable television services.

	Fee amount
1. Cable Television Relay Service	$935.
2. Cable TV System, Including IPTV (per subscriber)	.95.

	Fee amount
3. Direct Broadcast Satellite (DBS)	.38 per subscriber.

■ 6. Section 1.1156 is revised to read as follows:

§ 1.1156 Schedule of regulatory fees for international services.

(a) *Geostationary Orbit (GSO) and Non-Geostationary Orbit (NGSO) Space Stations.* Regulatory fees are to be paid for GSO and NGSO Space Stations that are licensed and operational as of October 1, 2016. The following schedule applies for the listed services:

Fee category	Fee amount
Space Stations (Geostationary Orbit)	$140,925
Space Stations (Non-Geostationary Orbit)	135,350
Earth Stations: Transmit/Receive & Transmit only (per authorization or registration)	360

(b) *International Terrestrial and Satellite.* (1) Regulatory fees for International Bearer Circuits are to be paid by facilities-based common carriers that have active (used or leased) international bearer circuits as of December 31 of the prior year in any terrestrial or satellite transmission facility for the provision of service to an end user or resale carrier, which includes active circuits to themselves or to their affiliates. In addition, non-common carrier satellite operators must pay a fee for each circuit sold or leased to any customer, including themselves or their affiliates, other than an international common carrier authorized by the Commission to provide U.S. international common carrier services. ''Active circuits'' for these purposes include backup and redundant circuits. In addition, whether circuits are used specifically for voice or data is not relevant in determining that they are active circuits.

(2) The fee amount, per active 64 KB circuit or equivalent will be determined for each fiscal year.

International Terrestrial and Satellite (capacity as of December 31, 2016)	Fee amount
Terrestrial Common Carrier Satellite Common Carrier Satellite Non-Common Carrier	$0.03 per 64 KB Circuit

(c) *Submarine cable.* Regulatory fees for submarine cable systems will be paid annually, per cable landing license, for all submarine cable systems operating as of December 31 of the prior year. The fee amount will be determined by the Commission for each fiscal year.

Submarine Cable Systems (capacity as of Dec. 31, 2016)	Fee amount
<2.5 Gbps	$8,600
2.5 Gbps or greater, but less than 5 Gbps	17,175
5 Gbps or greater, but less than 10 Gbps	34,350
10 Gbps or greater, but less than 20 Gbps	68,725
20 Gbps or greater	137,425

[FR Doc. 2017–19386 Filed 9–21–17; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 82, No. 183
Friday, September 22, 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 Parts 429 and 431

[EERE–2017–BT–TP–0055]

Energy Conservation Program: Test Procedure for Distribution Transformers

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Request for information (RFI).

SUMMARY: The U.S. Department of Energy (''DOE'') is initiating a data collection process through this RFI to consider whether to amend DOE's test procedure for distribution transformers. To inform interested parties and to facilitate this process, DOE has gathered data, identifying several issues associated with the currently applicable test procedure on which DOE is interested in receiving comment. The issues outlined in this document mainly concern the degree to which the per-unit load (''PUL'') testing measurement accurately represents in-service distribution transformer performance, and provides test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle of an in-service transformer; sampling; representations; alternative energy determination methods (''AEDMs''); and any additional topics that may inform DOE's decisions in a future test procedure rulemaking, including methods to reduce regulatory burden while ensuring the procedure's accuracy. DOE welcomes written comments from the public on any subject within the scope of this document (including topics not raised in this RFI).

DATES: Written comments and information are requested and will be accepted on or before October 23, 2017.

ADDRESSES: Interested persons are encouraged to submit comments using the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for submitting comments. Alternatively, interested persons may submit comments, identified by docket number EERE–2017–BT–TP–0055, by any of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

2. *Email: DistributionTransformers2017TP0055@ee.doe.gov.* Include docket number EERE–2017–BT–TP–0055 in the subject line of the message.

3. *Postal Mail:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Program, Mailstop EE–5B, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–1445. If possible, please submit all items on a compact disc (''CD''), in which case it is not necessary to include printed copies.

4. *Hand Delivery/Courier:* Appliance and Equipment Standards Program, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Phone: (202) 287–1445. If possible, please submit all items on a CD, in which case it is not necessary to include printed copies.

No telefacsimiles (faxes) will be accepted. For detailed instructions on submitting comments and additional information on the rulemaking process, see section III of this document.

Docket: The docket for this activity, which includes **Federal Register** notices, comments, and other supporting documents/materials, is available for review at *http://www.regulations.gov.* All documents in the docket are listed in the *http://www.regulations.gov* index. However, some documents listed in the index, such as those containing information that is exempt from public disclosure, may not be publicly available.

The docket Web page can be found at *http://www.regulations.gov/#!docketDetail;D=EERE-2017-BT-TP-0055.* The docket Web page contains simple instructions on how to access all documents, including public comments, in the docket. See section III for information on how to submit comments through *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Dommu, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–5B 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–9870. Email: *ApplianceStandardsQuestions@ee.doe.gov.*

Ms. Mary Greene, U.S. Department of Energy, Office of the General Counsel, GC–33, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 586–1817. Email: *mary.greene@hq.doe.gov.*

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 586–6636 or by email: *ApplianceStandardsQuestions@ee.doe.gov.*

SUPPLEMENTARY INFORMATION:

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I. Introduction

DOE is authorized to establish and amend energy conservation standards and test procedures for certain industrial equipment, including distribution transformers. (42 U.S.C. 6317(a)) DOE's test procedures for distribution transformers are prescribed at 10 CFR 431.193 and appendix A to subpart K of part 431. The following sections discuss DOE's authority to establish and amend test procedures for distribution transformers, as well as relevant background information regarding DOE's consideration of test procedures for this equipment.

A. Authority and Background

The Energy Policy and Conservation Act of 1975 (''EPCA'' or ''the Act''),[1] Public Law 94–163 (42 U.S.C. 6291–6317, as codified), among other things, authorizes DOE to regulate the energy

[1] All references to EPCA in this document refer to the statute as amended through the Energy Efficiency Improvement Act of 2015 (EEIA 2015), Public Law 114–11 (April 30, 2015).

efficiency of a number of covered consumer products and industrial equipment. Title III, Part C [2] of EPCA, added by Public Law 95–619, Title IV, § 441(a), established the Energy Conservation Program for Certain Industrial Equipment, which sets forth a variety of provisions designed to improve energy efficiency. This equipment includes distribution transformers, the subject of this RFI. (42 U.S.C. 6317(a))

Under EPCA, DOE's energy conservation program consists of four parts: (1) Testing, (2) labeling, (3) Federal energy conservation standards, and (4) certification and enforcement procedures. Relevant provisions of the Act for distribution transformers include definitions (42 U.S.C. 6291; 42 U.S.C. 6311), energy conservation standards (42 U.S.C. 6295; 42 U.S.C. 6317), test procedures (42 U.S.C. 6293; 42 U.S.C. 6314), labeling provisions (42 U.S.C. 6294; 42 U.S.C. 6315), and the authority to require information and reports from manufacturers (42 U.S.C. 6316).

Federal energy efficiency requirements for covered equipment established under EPCA generally supersede State laws and regulations concerning energy conservation testing, labeling, and standards. (42 U.S.C. 6316) DOE may, however, grant waivers of Federal preemption for particular State laws or regulations, in accordance with the procedures and other provisions of EPCA. (42 U.S.C. 6316(b)(2)(D))

The Federal testing requirements consist of test procedures that manufacturers of covered equipment must use as the basis for: (1) Certifying to DOE that their equipment complies with the applicable energy conservation standards adopted pursuant to EPCA (42 U.S.C. 6316(b); 42 U.S.C. 6296), and (2) making representations about the efficiency of that equipment. (42 U.S.C. 6314(d)) Similarly, DOE uses these test procedures to determine whether the equipment complies with relevant standards promulgated under EPCA.

Under 42 U.S.C. 6314, EPCA sets forth the criteria and procedures DOE must follow when prescribing or amending test procedures for covered equipment. EPCA requires that any test procedures prescribed or amended under this section must be reasonably designed to produce test results which measure energy efficiency, energy use or estimated annual operating cost of a covered equipment during a representative average use cycle or period of use and requires that test procedures not be unduly burdensome to conduct. (42 U.S.C. 6314(a)(2))

If DOE determines that a test procedure amendment is warranted, it must publish proposed test procedures and offer the public an opportunity to present oral and written data, views and arguments on the proposed test procedures. (42 U.S.C. 6314(b))

EPCA also requires that, at least once every 7 years, DOE evaluate test procedures for each type of covered equipment, including distribution transformers, to determine whether amended test procedures would more accurately or fully comply with the requirements for the test procedures to not be unduly burdensome to conduct and to be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle. (42 U.S.C. 6314(a)(1)).

DOE is publishing this RFI to collect data and information to inform DOE's 7-year review requirement specified in EPCA, which requires that DOE publish either an amendment to the test procedures or a determination that amended test procedures are not required. (42 U.S.C. 6314(a)(1))

B. Rulemaking History

DOE's current test procedure for distribution transformers is prescribed at 10 CFR 431.193 and appendix A to subpart K of part 431. EPCA states that the testing requirements for distribution transformers shall be based on the ''Standard Test Method for Measuring the Energy Consumption of Distribution Transformers'' prescribed by the National Electrical Manufacturers Association (NEMA TP 2–1998). (42 U.S.C. 6293(b)(10)(A))

Accordingly, DOE prescribed the test procedure for distribution transformers on April 27, 2006 (hereafter ''April 2006 DT TP final rule''). 71 FR 24972. In an April 2013 final rule amending the standards for distribution transformers (hereafter ''April 2013 DT ECS final rule''), DOE determined that the test procedures did not require amendment at that time, concluding that the test procedure as established in the April 2006 DT TP final rule was reasonably designed to produce test results that reflect energy efficiency and energy use, as required by 42 U.S.C. 6314(a)(2). 78 FR 23336, 23347 (April 18, 2013). However, in the April 2013 DT ECS final rule, DOE responded to stakeholder comments regarding the appropriateness of the test PUL [3] requirement in its test procedure, stating that it may examine the topic of potential loading points in a dedicated test procedure rulemaking in the future. 78 FR 23336, 23350. Therefore, as part of this RFI DOE is giving further consideration to the appropriateness of the test PUL requirements, as discussed in the April 2013 DT ECS final rule.

II. Request for Information

In the following sections, DOE has identified a variety of issues on which it seeks input to aid in the development of the technical and economic analyses regarding whether amended test procedures for distribution transformers may be warranted. Specifically, DOE is requesting comment on any opportunities to streamline and simplify testing requirements for distribution transformers.

Additionally, DOE welcomes comments on other issues relevant to the conduct of this process that may not specifically be identified in this document. In particular, DOE notes that under Executive Order 13771, ''Reducing Regulation and Controlling Regulatory Costs,'' Executive Branch agencies such as DOE are directed to manage the costs associated with the imposition of expenditures required to comply with Federal regulations. See 82 FR 9339 (Feb. 3, 2017). Pursuant to that Executive Order, DOE encourages the public to provide input on measures DOE could take to lower the cost of its regulations applicable to distribution transformers consistent with the requirements of EPCA.

A. Scope and Definitions

A ''transformer'' is a device consisting of 2 or more coils of insulated wire that transfers alternating current by electromagnetic induction from 1 coil to another to change the original voltage or current value. 10 CFR 431.192. A ''distribution transformer'' is a transformer that: (1) Has an input voltage of 34.5 kV or less; (2) has an output voltage of 600 V or less; (3) is rated for operation at a frequency of 60 Hz; and (4) has a capacity of 10 kVA to 2500 kVA for liquid-immersed units and 15 kVA to 2500 kVA for dry-type units. *Id.* The term ''distribution transformer'' does not include a transformer that is an autotransformer; drive (isolation) transformer; grounding transformer; machine-tool (control) transformer; nonventilated transformer; rectifier transformer; regulating transformer; sealed transformer; special-impedance

[2] For editorial purposes, upon codification into the U.S. Code, Part C was redesignated as Part A–1.

[3] PUL is the same concept and quantity as the ''percent of nameplate-rated load'' used in 10 CFR 431.196 and ''percent of the rated load'' used in section 3.5 of 10 CFR part 431, subpart K, appendix A.

transformer; testing transformer; transformer with tap range of 20 percent or more; uninterruptible power supply transformer; or welding transformer. *Id.*

A ''liquid-immersed distribution transformer'' is a distribution transformer in which the core and coil assembly is immersed in an insulating liquid. *Id.* A ''low-voltage dry-type distribution transformer'' is a distribution transformer that has an input voltage of 600 volts or less; is air-cooled; and does not use oil as a coolant. *Id.* A ''medium-voltage dry-type distribution transformer'' means a distribution transformer in which the core and coil assembly is immersed in a gaseous or dry-compound insulating medium, and which has a rated primary voltage between 601 V and 34.5 kV. *Id.*

B. Test Procedure

1. PUL Testing Requirements

PUL specification is a key component of the distribution transformer test procedure because the efficiency of the transformer varies based on PUL. The test procedure for distribution transformers must be reasonably designed to produce test results that reflect energy efficiency, energy use, and estimated operating costs during a representative average use cycle, and to have a test procedure is not unduly burdensome to conduct. To this end, the test PUL is intended to represent the typical [4] PUL experienced by in-service distribution transformers. However, some complications exist, including: (1) A given customer may not operate the transformer at a single constant PUL, and (2) a transformer model may be used at different PULs by different customers. To further examine the test PUL specification, DOE reviewed the test PUL requirements in the current test procedure and the load analysis from the April 2013 DT ECS final rule.

The current PUL specifications required for rating transformers are specified in 10 CFR 431.196 and section 3.5 of 10 CFR part 431, subpart K, appendix A (hereafter ''Appendix A''). The current test procedure in Appendix A requires that both liquid-immersed transformers and medium-voltage, dry-type (''MVDT'') transformers are rated at 50 percent PUL, and that low-voltage, dry-type (''LVDT'') transformers are rated at 35 percent PUL. Specifically, in section 3.5(a) of Appendix A, the test procedure requires that the reference temperature at which winding resistance is measured is 55 °C for liquid-immersed transformers and MVDT transformers loaded at 50 percent of the rated load, and is 75 °C for LVDT transformers loaded at 35 percent of the rated load. In addition, 10 CFR 431.196 notes that all efficiency values are at 35 percent of nameplate-rated load for LVDT transformers, and at 50 percent of nameplate-rated load for liquid-immersed and MVDT transformers, determined according to the DOE test procedure in Appendix A. These test PULs are consistent with NEMA TP 2–1998, the test method required by EPCA. (42 U.S.C. 6293(b)(10)) DOE is requesting input as to whether the test PUL values used in the test method reflect PULs experienced in practice.

DOE's research in support of its April 2013 DT ECS final rule indicated that distribution transformers in service experience a large load diversity and, on average, are operated at a difference of a RMS PUL from those at which they are rated for some equipment classes. 78 FR 23336, 23349–23350. DOE's analysis produced a distribution of typical RMS PULs for the considered liquid-immersed and MVDT, and LVDT distribution transformers.[5]

DOE estimated that, on average, the initial (first year) RMS PUL for liquid-immersed transformers ranged from 34 and 40 percent for single- and three-phase equipment, respectively, with a one percent annual increase over the life of the transformer to account for connected load growth. This resulted in a lifetime [6] average PUL of 49 and 56 percent for single- and three-phase liquid-immersed transformers, respectively.[7] This is consistent with the current test procedure requirements of rating liquid-immersed transformers at 50 percent PUL. In the April 2013 DT ECS final rule, DOE it had received public comment stating that utilities had oversized transformers due to their inability to accurately monitor transformer loading and due to their assumption that loading will increase in the future. In the case of liquid-immersed transformers, this may account for the relatively low PUL as a function of transformer capacity. See, 78 FR 23336, 23349, citing comment from Baltimore Gas and Electric.

Further, in the April 2013 DT ECS final rule, DOE estimated that, on average, the RMS PUL for LVDT transformers ranged from 20 and 25 percent for commercial and industrial customers, respectively.[8] Finally, DOE estimated that, on average, the PUL for MVDT transformers ranged from 32 and 38 percent for commercial and industrial customers, respectively.[9] However, the current test procedure requirements for rating LVDT and MVDT transformers are 35 and 50 percent PUL, respectively. DOE also assumed in its April 2013 DT ECS final rule that there would be no load growth over the life of LVDT and MVDT distribution transformers. 78 FR 23336, 23375.

Therefore, the PUL requirements in the test procedure might not fully reflect the PUL experienced by in-service distribution transformers. Consequently, the degree of alignment of test PUL with in-service PUL of a customer's individual distribution transformer may affect how closely the test procedure-estimated energy use mirrors the actual energy use experienced by the customer.

Currently, a customer can specify that transformer efficiency be optimized to their in-service PUL, but that customer is limited to purchasing transformers that comply with the energy conservation standard at the test PUL. However, DOE estimated that approximately 10 percent of liquid-immersed, and 2 percent of LVDT and MVDT customers evaluate transformer efficiency when making a purchase, indicating that the remainder of customers prioritize low price (and ignore efficiency) when purchasing transformers of their required specification. 77 FR 7323.

To the extent that transformer purchases are market-price driven, DOE would expect that the lowest-cost transformer design would likely have an efficiency peak at or near the test PUL. This low-cost transformer would experience reduced efficiency when

[4] Industry commonly uses the root mean square (''RMS'') PUL as an estimate of the ''typical'' or ''average'' PUL experienced by a transformer in service.

[5] The details of this analysis are documented in the final rule Technical Support Document: Energy Efficiency Program for Consumer Products and Commercial and Industrial Equipment Distribution Transformers; chapter 7 and appendix 7A. (available at: *https://www.regulations.gov/document?D=EERE-2010-BT-STD-0048-0760*).

[6] DOE estimated the average lifetime for distribution transformers to be 32 years. 78 FR 23336, 23377.

[7] The result of DOE's transformer load analysis for medium-voltage liquid-immersed distribution transformers are contained in the Life-cycle Cost and Payback Period spreadsheet tools for design lines (DL) 1 through 5 on the Forecast Cells tab. (available at: *https://www.regulations.gov/document?D=EERE-2010-BT-STD-0048-0767*).

[8] The result of DOE's transformer load analysis for low-voltage dry-type distribution transformers are contained in the Life-cycle Cost and Payback Period spreadsheet tools for DLs 6 through 8 on the Forecast Cells tab. (available at: *https://www.regulations.gov/document?D=EERE-2011-BT-STD-0051-0085*).

[9] The result of DOE's transformer load analysis for medium-voltage dry-type distribution transformers are contained in the Life-cycle Cost and Payback Period spreadsheet tools for DL 9 through 13B on the Forecast Cells tab. (available at: *https://www.regulations.gov/document?D=EERE-2010-BT-STD-0048-0764*).

operated at PULs other than the test PUL for which it was likely optimized. If in-service PUL differs from test PUL, equipment may be suboptimal for the expected operating conditions. If instead, the test procedure (via PUL specification) incentivized optimization at the in-service PUL, increased in-service performance may be possible with no increase in purchase price relative to transformers designed to meet existing standards via the existing test procedure. DOE also recognizes that many transformer purchasers are utilities that likely well understand these relationships. As such, as described above, factors other than efficiency (such as requirements by Public Utility Commissions) are likely driving purchasing decisions. DOE understands there may be variation between the PUL specified in the test procedure and actual use and seeks comment on how these factors should be considered given the sophisticated nature of transformer purchases.

As discussed, in-service distribution transformers experience a wide range of load conditions. In addition, based on DOE's initial analysis, distribution transformers may be operated at PULs different from those at which they are rated. To evaluate in-service PUL further, DOE is seeking to understand the relation between in-service PUL as compared to rated PUL. To that end, DOE requests any related information or data that commenters believe would assist DOE in its understanding. This information may include PUL data for liquid-immersed, MVDT, and LVDT distribution transformers in operation, including the kVA ranges, number of phases (single- or three-phase) and application type associated with the PUL data. In addition, DOE also requests data on the potential annual load growth expected for newly installed transformers. Finally, DOE requests information on the extent to which the identified issue is taken into account by utilities purchasing transformers.

DOE is interested in PUL data gathered from distribution transformers in operation, including information from manufacturers, utilities, and industry groups (*e.g.,* the Institute of Electrical and Electronics Engineers).

Issue 1. DOE seeks comment, data, and information regarding initial (first year of service) PUL data for distribution transformers.

Issue 2. DOE requests input on the initial RMS PUL values presented in section I.B of this RFI. More broadly, DOE requests input on the distribution of PUL values experienced by the population of

Issue 3. transformers of a given category (*e.g.,* specific kVA, phases, application, etc.). Specifically, commenters should specify whether the distributional data they provide represents the first year of service, or the full lifetime.

Issue 4. DOE seeks comment, data and information regarding the load growth estimate over the life of distribution transformers currently being installed. Specifically, DOE seeks comment, data and information on whether loads will increase over time, and if so, what the annual load growth would be for liquid-immersed, LVDT, and MVDT transformers, respectively.

Issue 5. DOE seeks comment, data and information regarding the extent to which efficiency is taken into account in transformer purchasing decisions.

2. Temperature Correction

DOE's current test procedure specifies temperature correction of measured loss values, a process that calculates the losses of a transformer as though its internal temperature during testing was equal to a ''reference'' temperature. The reference temperature provides a common point of comparison, so that the effect of temperature on efficiency is diminished. In general, higher internal temperature increases load losses, in part due to increased resistivity of the conductor/windings. If transformers in service do not reach the same internal temperature (under identical operating conditions, including ambient temperature and PUL), temperature correction may weaken the ability of the test procedure to predict relative in-service performance. For example, two otherwise-identical transformers may have different inherent abilities to shed heat. As a result, one may operate at a lower internal temperature under identical operating conditions, and produce lower losses. If a test procedure evaluates both units as though they had reached the same internal temperature, then those lower in-service losses (which are an advantage to the customer) may not be reflected.

DOE is requesting comments, data, and information from interested parties on whether the current temperature correction is appropriate or whether alternative approaches should be considered.

Issue 6. DOE seeks comments, data, and information regarding the appropriateness of the current test procedure requirements with respect to temperature correction. Specifically, DOE requests comment on whether testing at specified ambient conditions or correcting to the same internal temperature is more representative of distribution transformer in-service performance.

Issue 7. DOE seeks comments, data, and information regarding how temperature varies with PUL, and how significantly it affects transformer performance over a PUL range. Specifically, under the current internal temperature correction methodology, DOE requests comment on how it could specify the reference temperature for testing at PULs other than the current test PUL.

C. Efficiency Metric

As noted, the current DOE test procedure measures efficiency at a single test PUL. Based on the data and information received in response to this RFI, DOE may consider either continuing to use the current single test PUL requirements for rating distribution transformers, or revising the single test PUL to an alternative single test PUL, if it better reflects how distribution transformers operate in service. Alternatively, DOE may consider an alternative efficiency metric altogether, such as a multiple-PUL weighted-average efficiency metric. Use of a weighted-average efficiency metric comprised of more than one test PUL may better reflect how distribution transformers operate in service because a given distribution transformer commonly experiences a range of PULs in service depending on the end-use of the customer. In addition, a given customer is unlikely to operate a distribution transformer at a single, constant PUL equal to the typical PUL. Thus, a single test PUL may not fully capture how distribution transformers operate in service.

While a weighted-average efficiency could result in additional test burden, DOE understands that this metric may more effectively characterize operation in-service. In addition, the additional test burden could be mitigated via the AEDM for distribution transformers. This is because AEDMs would allow manufacturers to determine the efficiency of one or more of its untested basic models using a mathematical model instead of testing.

Issue 8. DOE seeks comments, data, and information on the continued use of a single test PUL requirement. Further, if a single test PUL requirement is maintained, DOE seeks comment on whether the existing single test PUL requirements should be maintained or whether alternate single test PUL requirements may better match the typical or RMS value in service. In addition, DOE seeks comment on the testing burden using an alternate single

test PUL as compared to the current test procedure.

Issue 9. DOE seeks comments, data, and information regarding testing a single transformer at multiple PULs. Specifically, DOE seeks comment on the degree to which a multiple-PUL weighted-average efficiency would more accurately reflect distribution transformer operation in service, as compared to the current test procedure. In addition, DOE seeks comment on any additional testing burden that might be associated with testing at multiple PULs.

Issue 10. DOE seeks comments, data, and information regarding the number of PULs (and the corresponding test PUL values) that parties believe may be appropriate for a multiple PUL test procedure. In addition, DOE seeks comments, data, and information regarding what weightings or additional requirements may be necessary under a multiple PUL test procedure.

Issue 11. DOE seeks comments, data, and information on whether there are any other options or alternative metrics not presented in this RFI that should be considered for measuring and rating the efficiency of distribution transformers.

D. Sampling, Representations, AEDMs

The certification and compliance requirements for distribution transformers are codified under 10 CFR 429.11, 429.12, 429.47, 429.70, 429.110, and in Appendix C to Subpart C of Part 429. DOE's sampling requirements are listed at 10 CFR 429.47. The sampling requirements, among other things, state that, (1) the provisions of 10 CFR 429.11 apply, (2) efficiency of a basic model may be determined through testing or through application of an AEDM under the requirements of 10 CFR 429.70, and (3) a manufacturer must use a sample of at least five units if more than five units have been manufactured over a span of six months (10 CFR 429.47(a)(2)(i)(B)), or as many as have been produced if five or fewer have been manufactured over a span of six months (10 CFR 429.47(a)(2)(i)(A)).

Issue 12. DOE seeks comment regarding the sampling requirements for distribution transformers. Specifically, DOE seeks information on how manufacturers have been applying the sampling provisions. DOE also seeks comments from manufacturers on whether there are instances in which there are questions as to how to apply the sampling requirements or select the appropriate sample size.

10 CFR 429.47(a)(2)(ii) states that any represented value of efficiency of a basic model must be less than or equal to:

$$\frac{100}{1+\left(\frac{100-\bar{x}}{\bar{x}}\right)\left(\frac{\sqrt{n}}{\sqrt{n}+.08}\right)}$$

Equation 1

Where:

$\bar{x}$ = the arithmetic mean of the sample units' tested efficiencies, and

n = number of units in the sample.

This provision permits representation of a basic model efficiency greater than the arithmetic mean of the sample units' tested efficiencies. The degree to which it may exceed the mean is a function of the sample size; smaller samples may exceed the mean by a greater amount. As a result, manufacturers may represent an efficiency for a basic model between the value of Equation 1 and the minimum efficiency requirements at 10 CFR 431.196.

DOE notes that distribution transformer test reports do not always indicate how efficiency is calculated, nor do they always provide information about the measured values.

Issue 13. DOE seeks comment regarding the represented values of efficiency relative to calculated values, specifically, whether manufacturers typically represent the minimum efficiency standard, the maximum represented efficiency (RE) allowable, or a different value; how manufacturers determine what value to represent; and why.

Issue 14. DOE's requirements related to AEDMs are at 10 CFR 429.70. This section specifies under which circumstances an AEDM may be developed, validated, and applied to product performance ratings for certain covered products and equipment. AEDM application to distribution transformers is permitted pursuant to 10 CFR 429.47(a)(2) and may serve a manufacturer who finds it burdensome to physically test units of each basic model sold. However, DOE notes that currently, manufacturers frequently test every basic model instead of calculating efficiency using the AEDM provisions.

Issue 15. DOE seeks information regarding the usefulness of the AEDM provisions, and whether and why manufacturers select the option to use AEDMs.

E. Other Test Procedure Topics

In addition to the issues identified earlier in this document, DOE welcomes comment on any other aspect of the existing test procedures for distribution transformers not already addressed by the specific areas identified in this document. DOE particularly seeks information that would improve the repeatability, reproducibility, and consumer representativeness of the test procedures. DOE also requests information that would help DOE create a procedure that would limit manufacturer test burden through streamlining or simplifying testing requirements. Comments regarding the repeatability and reproducibility are also welcome.

DOE also requests feedback on any potential amendments to the existing test procedure that could be considered to address impacts on manufacturers, including small businesses. Regarding the Federal test method, DOE seeks comment on the degree to which the DOE test procedure should consider and be harmonized with the most recent relevant industry standards for distribution transformers and whether there are any changes to the Federal test method that would provide additional benefits to the public. DOE also requests comment on the benefits and burdens of adopting any industry/voluntary consensus-based or other appropriate test procedure, without modification. As discussed, the Federal test method for distribution transformers is based on the industry standard NEMA TP 2–1998. The Federal test method is also based on IEEE C57.12.90–1999 ''IEEE Standard Test Code for Liquid-Immersed Distribution, Power and Regulating Transformers and IEEE Guide for Short Circuit Testing of Distribution and Power Transformers;'' IEEE C57.12.91–2001, ''IEEE Standard Test Code for Dry-Type Distribution and Power Transformers;'' IEEE C57.12.00–2000, ''IEEE Standard General Requirements for Liquid-Immersed Distribution, Power and Regulating Transformers;'' and IEEE C57.12.01–1998, ''IEEE Standard General Requirements for Dry-Type Distribution and Power Transformers Including those with Solid Cast and/or Resin Encapsulated

Windings.'' When establishing the Federal test procedure for distribution transformers, DOE determined that basing the procedure on multiple industry standards, as opposed to adopting an industry test procedure (or procedures) without modification, was necessary to provide the detail and accuracy required for the Federal test procedure, with the additional benefit of providing manufacturers the Federal test procedure in a single reference. 71 FR 24972, 24982.

Additionally, DOE requests comment on whether the existing test procedures limit a manufacturer's ability to provide additional features to consumers on distribution transformers. DOE particularly seeks information on how the test procedures could be amended to reduce the cost of new or additional features and make it more likely that such features are included on distribution transformers.

III. Submission of Comments

DOE invites all interested parties to submit in writing by October 23, 2017, comments, and information on matters addressed in this notice and on other matters relevant to DOE's consideration of amended test procedures for distribution transformers. These comments and information will aid in the development of a test procedure NOPR for distribution transformers if DOE determines that amended test procedures may be appropriate for these products.

Submitting comments *via http://regulations.gov.* The *http://www.regulations.gov* Web page will require you to provide your name and contact information. Your contact information will be viewable to DOE Building Technologies staff only. Your contact information will not be publicly viewable except for your first and last names, organization name (if any), and submitter representative name (if any). If your comment is not processed properly because of technical difficulties, DOE will use this information to contact you. If DOE cannot read your comment due to technical difficulties and cannot contact you for clarification, DOE may not be able to consider your comment.

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Comments, data, and other information submitted to DOE electronically should be provided in PDF (preferred), Microsoft Word or Excel, WordPerfect, or text (ASCII) file format. Provide documents that are not secured, written in English and free of any defects or viruses. Documents should not contain special characters or any form of encryption and, if possible, they should carry the electronic signature of the author.

Campaign form letters. Please submit campaign form letters by the originating organization in batches of between 50 to 500 form letters per PDF or as one form letter with a list of supporters' names compiled into one or more PDFs. This reduces comment processing and posting time.

Confidential Business Information. According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit via email, postal mail, or hand delivery two well-marked copies: one copy of the document marked confidential including all the information believed to be confidential, and one copy of the document marked non-confidential with the information believed to be confidential deleted. Submit these documents via email or on a CD, if feasible. DOE will make its own determination about the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include (1) a description of the items, (2) whether and why such items are customarily treated as confidential within the industry, (3) whether the information is generally known by or available from other sources, (4) whether the information has previously been made available to others without obligation concerning its confidentiality, (5) an explanation of the competitive injury to the submitting person which would result from public disclosure, (6) when such information might lose its confidential character due to the passage of time, and (7) why disclosure of the information would be contrary to the public interest.

It is DOE's policy that all comments may be included in the public docket, without change and as received, including any personal information provided in the comments (except information deemed to be exempt from public disclosure).

DOE considers public participation to be a very important part of the process for developing test procedures and energy conservation standards. DOE actively encourages the participation and interaction of the public during the comment period in each stage of the rulemaking process. Interactions with and between members of the public provide a balanced discussion of the issues and assist DOE in the rulemaking process. Anyone who wishes to be added to the DOE mailing list to receive future notices and information about this rulemaking should contact Appliance and Equipment Standards Program staff at (202) 287–6636 or via email at *ApplianceStandardsQuestions@ee.doe.gov.*

Issued in Washington, DC, on August 29, 2017.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency, Energy Efficiency and Renewable Energy.

[FR Doc. 2017–20225 Filed 9–21–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0896; Product Identifier 2017–SW–034–AD]

RIN 2120–AA64

Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directive (AD) 2017–07–02 for Sikorsky Aircraft Corporation (Sikorsky) Model 269D and Model 269D Configuration A helicopters. AD 2017–07–02 currently requires reducing the life limit of and inspecting certain drive shafts. This proposed AD would retain the requirements of AD 2017–07–02 and propose repeating the inspections. The actions of this proposed AD are intended to detect and prevent an unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 21, 2017.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0896; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the economic evaluation, any comments received and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email *wcs_cust_service_eng.gr-sik@lmco.com*. You may review service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Michael Schwetz, Aviation Safety Engineer, Boston ACO Branch, Compliance and Airworthiness Division, FAA, 1200 District Avenue, Burlington, Massachusetts 01803; telephone (781) 238–7761; email *michael.schwetz@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Discussion

On March 20, 2017, we issued a Final rule; request for comments to add AD 2017–07–02, Amendment 39–18840 (82 FR 15120, March 27, 2017) for Sikorsky Model 269D and Model 269D Configuration A helicopters with a KAflex engine side drive shaft part number (P/N) SKCP2738–7 and KAflex pulley side drive shaft P/N SKCP2738–5 installed. AD 2017–07–02 requires reducing the life limit of the drive shafts and performing several inspections of the drive shafts within 25 hours time-in-service (TIS). AD 2017–07–02 also specifies replacing the drive shaft assemblies as an optional terminating action for the requirements of the AD. AD 2017–07–02 was prompted by four incidents involving failure of the engine side drive shaft. The actions required by AD 2017–07–02 are intended to prevent failure of the drive shaft, loss of rotor drive, and subsequent loss of control of the helicopter.

This NPRM would retain the requirements of AD 2017–07–02 but would require that some of the inspections be repeated every 100 hours TIS or 400 hours TIS. Repeating these inspections is necessary to detect and prevent the unsafe condition. Because these proposed requirements are for longer intervals, we are providing the public an opportunity to comment.

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 these same type designs.

Related Service Information

We reviewed Appendix B to Sikorsky S–330 Model 269D Helicopter Basic Handbook of Maintenance Instructions No. CSP–D–2, dated February 1, 1993, and revised October 15, 2014; and Appendix B to Sikorsky S–333 Model 269D Config. ''A'' Helicopter Basic Handbook of Maintenance Instructions No. CSP–D–9, dated July 20, 2001, and revised October 15, 2014. This service information specifies repetitive inspection procedures, overhaul and retirement schedules, and weight and balance procedures. The Airworthiness Limitations section, which is included in this service information, contains the life limits for drive shaft assembly P/Ns SKCP2738–5 and SKCP2738–7.

We also reviewed Sikorsky 269D Helicopter Alert Service Bulletin DB–052, Basic Issue, dated January 16, 2014, which distributes the service life reduction information and implements a new 1,200-hour overhaul inspection for drive shaft assembly P/Ns SKCP2738–3, SKCP2738–5, and SKCP2738–7.

Proposed AD Requirements

This proposed AD would require, before further flight:

- Removing from service any engine side drive shaft P/N SKCP2738–7 and pulley side drive shaft P/N SKCP2738–5 that has reached or exceeded its new life limit as follows:
  - 6,000 hours TIS for Model 269D helicopters;
  - 1,200 hours TIS for Model 269D Configuration A helicopters; and
  - 1,200 hours TIS if the parts have ever been interchanged between the two model configurations.

This proposed AD would also require:

- Within 25 hours TIS, and thereafter at intervals not to exceed 25 hours TIS, inspecting the lower pulley to engine alignment, and if there is any interference with the rotation of the belt drive alignment tool, adjusting the engine elevation alignment before further flight.
- Within 25 hours TIS, and thereafter at intervals not to exceed 100 hours TIS, inspecting the KAflex drive shaft alignment and inspecting the engine side and pulley side drive shafts for a crack, any corrosion or pitting, a nick, a dent, and a scratch.
- Within 25 hours TIS, and thereafter at intervals not to exceed 400 hours TIS, inspecting each joint for movement; inspecting each joint for fretting corrosion and each frame and mount bolt torque stripe for movement; and inspecting each joint for fretting, for a crack around both the bolt head and washer side, and around the nut and washer side, and each inside and outside corner radii and radii edges on both sides of each frame for a crack.

If the drive shaft fails any of the above inspections, this proposed AD would require replacing both the engine side and pulley side drive shafts before further flight.

This proposed AD also specifies installing KAflex engine side coupling assembly P/N SKCP2738–9 and KAflex pulley side coupling assembly P/N SKCP2738–101 as an optional terminating action for the requirements of this AD.

Differences Between This Proposed AD and the Service Information

The Sikorsky service information specifies a drive shaft assembly service life of 3,000 hours TIS with a 1,200 hour overhaul inspection for Model 269D Configuration A helicopters, while this proposed AD specifies a service life of 1,200 hours TIS.

The Sikorsky service information specifies different inspection procedures if there is spline engagement interference or resistance while inspecting the drive shaft alignment. This proposed AD specifies replacing both the engine side and pulley side drive shafts if there is any spline engagement interference or resistance.

The Sikorsky service information specifies inspecting the working fastener condition without any specific succeeding action regarding the inspection. This proposed AD specifies replacing both the engine side and pulley side drive shafts if there is any joint movement.

The Sikorsky service information specifies returning the drive shaft assembly to Sikorsky if there is fretting dust or red metallic residue at a joint. This proposed AD specifies replacing both the engine side and pulley side drive shafts if there is any fretting corrosion.

Costs of Compliance

We estimate that this proposed AD would affect 18 helicopters of U.S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour.

Removing the engine side and pulley side drive shafts that have reached the new life limit would take about 4 work-hours for a cost of $340 per helicopter. Inspecting the lower pulley to engine alignment using the belt alignment tool would take about 0.5 work-hour for an estimated cost of $43 per helicopter and $774 for the U.S. fleet per inspection cycle. Adjusting the engine elevation alignment would take about 0.5 work-hour for an estimated cost of $43 per helicopter. Inspecting the drive shaft alignment by checking spline engagement would take about 1 work-hour for a cost of $85 per helicopter and $1,530 for the U.S. fleet per inspection cycle. Inspecting the drive shafts for damage would take about 1 work-hour for an estimated cost of $85 per helicopter and $1,530 for the U.S. fleet per inspection cycle. Inspecting the joints would take about 1 work-hour for an estimated cost of $85 per helicopter and $1,530 for the U.S. fleet per inspection cycle. Replacing the engine side and pulley side drive shafts, if required, would take about 8 work-hours and parts would cost about $20,000, for an estimated cost of $20,680 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD)

2017–07–02, Amendment 39–18840 (82 FR 15120, March 27, 2017), and adding the following new AD:

Sikorsky Aircraft Corporation (Sikorsky): Docket No. FAA–2017–0896; Product Identifier 2017–SW–034–AD.

(a) Applicability

This AD applies to Sikorsky Model 269D and Model 269D Configuration A helicopters with a KAflex engine side drive shaft part number (P/N) SKCP2738–7 and KAflex pulley side drive shaft P/N SKCP2738–5 installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as failure of a drive shaft. This condition could result in loss of rotor drive and subsequent loss of control of the helicopter.

(c) Affected ADs

This AD supersedes AD 2017–07–02, Amendment 39–18840 (82 FR 15120, March 27, 2017).

(d) Comments Due Date

We must receive comments by November 21, 2017.

(e) Compliance

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

(f) Required Actions

(1) Before further flight:

(i) For Model 269D helicopters, remove from service any KAflex engine side drive shaft P/N SKCP2738–7 and any KAflex pulley side drive shaft P/N SKCP2738–5 that has 6,000 or more hours time-in-service (TIS). Thereafter, remove from service any KAflex engine side drive shaft P/N SKCP2738–7 and any KAflex pulley side drive shaft P/N SKCP2738–5 before accumulating 6,000 hours TIS.

(ii) For Model 269D Configuration A helicopters, remove from service any KAflex engine side drive shaft P/N SKCP2738–7 and any KAflex pulley side drive shaft P/N SKCP2738–5 that has 1,200 or more hours TIS. Thereafter, remove from service any KAflex engine side drive shaft P/N SKCP2738–7 and any KAflex pulley side drive shaft P/N SKCP2738–5 before accumulating 1,200 hours TIS.

(iii) If interchanged between Model 269D and Model 269D Configuration A helicopters, remove from service any KAflex engine side drive shaft P/N SKCP2738–7 and any KAflex pulley side drive shaft P/N SKCP2738–5 that has 1,200 or more hours TIS. Thereafter, if interchanged between Model 269D and Model 269D Configuration A helicopters, remove from service any KAflex engine side drive shaft P/N SKCP2738–7 and any KAflex pulley side drive shaft P/N SKCP2738–5 before accumulating 1,200 hours TIS.

(2) Within 25 hours TIS, and thereafter at intervals not to exceed 25 hours TIS, using a belt drive alignment tool 269T3303–003, inspect the lower pulley to engine alignment by engaging the tool on the drive shaft and inserting in the lower pulley bore. Rotate the tool 360° around the drive shaft and inspect for interference. If there is any interference with the rotation of the tool, before further flight, adjust the engine elevation alignment to eliminate the interference.

(3) Within 25 hours TIS, and thereafter at intervals not to exceed 100 hours TIS:

(i) Remove the drive shaft to adapter bolt and inspect the drive shaft alignment. Engage and disengage the splines a minimum of 3 times by sliding the engine power output shaft in and out of the engine. Inspect the alignment at each 90° interval by rotating the lower pulley with the power shaft disengaged. Determine whether the adapter slides on and off the drive shaft splines without spline engagement interference or resistance along the entire length of movement. If there is any spline engagement interference or resistance, before further flight, replace both the engine side and pulley side drive shafts.

(ii) Inspect each drive shaft for a crack, any corrosion or pitting, a nick, a dent, and a scratch. If there is a crack, any corrosion or pitting, a nick, a dent, or a scratch that exceeds allowable limits, before further flight, replace both the engine side and pulley side drive shafts.

(4) Within 25 hours TIS, and thereafter at intervals not to exceed 400 hours TIS, remove the engine side drive shaft and pulley side drive shaft and perform the following:

(i) Inspect each flex frame (frame) bolted joint (joint) for movement by hand. If there is any movement, before further flight, replace both the engine side and pulley side drive shafts.

(ii) Visually inspect each joint for fretting corrosion (which might be indicated by metallic particles) and each frame and mount bolt torque stripe for movement. If there is any fretting corrosion or torque stripe movement, before further flight, replace both the engine side and pulley side drive shafts.

(iii) Using a 10x or higher power magnifying glass, visually inspect each joint for fretting and for a crack around the bolt head and washer side, and around the nut and washer side. Also inspect both sides of each frame for a crack on the inside and outside corner radii and radii edge (four). If there is any fretting, a crack at any point over the full circumference (360°) of the bolt head and washer side or the nut and washer side, or a crack in any of the corner radii edges, before further flight, replace both the engine side and pulley side drive shafts.

(5) As an optional terminating action to the repetitive inspections in this AD, you may install KAflex engine side drive shaft P/N SKCP2738–9 and KAflex pulley side drive shaft P/N SKCP2738–101.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Boston ACO Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Michael Schwetz, Aviation Safety Engineer, Boston ACO Branch, Compliance and Airworthiness Division, FAA, 1200 District Avenue, Burlington, Massachusetts 01803; telephone (781) 238–7761; email *michael.schwetz@faa.gov.*

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

(h) Additional Information

Appendix B of Sikorsky S–330 Model 269D Helicopter Basic Handbook of Maintenance Instructions, No. CSP–D–2, dated February 1, 1993, and revised October 15, 2014; Appendix B of Sikorsky S–330 Model 269D Config. ''A'' Helicopter Basic Handbook of Maintenance Instructions, No. CSP–D–9, dated July 20, 2001, and revised October 15, 2014; and Sikorsky 269D Helicopter Alert Service Bulletin DB–052, Basic Issue, dated January 16, 2014, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Sikorsky Aircraft Corporation, Customer Service Engineering, 124 Quarry Road, Trumbull, CT 06611; telephone 1–800–Winged–S or 203–416–4299; email *wcs_cust_service_eng.gr-sik@lmco.com.* You may review the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6310, Engine/Transmission Coupling.

Issued in Fort Worth, Texas, on September 11, 2017.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2017–19945 Filed 9–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0658; Product Identifier 2017–NE–20–AD]

RIN 2120–AA64

Airworthiness Directives; GE Aviation Czech s.r.o. Turboprop 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 GE Aviation Czech s.r.o. M601D–11, M601E–11, M601E–11A, M601E–11AS, M601E–11S, and M601F turboprop engines. This proposed AD was prompted by a review that determined that certain power turbine (PT) rotors have less overspeed margin than originally declared during product

certification. This proposed AD would require removal of the affected PT disks. We are proposing this AD to correct the unsafe condition on these products.

DATES: We must receive comments on this NPRM by November 6, 2017.

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

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

For service information identified in this proposed AD, contact GE Aviation Czech s.r.o., Beranových 65, 199 02 Praha 9—Letňany, Czech Republic; phone: +420 222 538 111; fax: +420 222 538 222. You may view this service information at the FAA, Engine and Propeller Standards Branch, 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–2017–0658; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the mandatory continuing airworthiness information (MCAI), the regulatory evaluation, any comments received, and other information. The 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: Robert Green, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *robert.green@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this NPRM. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0658; Directorate Identifier 2017–NE–20–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 with FAA personnel concerning this NPRM.

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA AD 2017–0100, dated June 8, 2017 (referred to hereinafter as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> It was identified during a recent design review that power turbine (PT) rotors with certain disks, part number (P/N) M601–3220.6 and P/N M601–3220.7, have a reduction in the declared theoretical PT rotor overspeed limit.
>
> This condition, if not corrected, may lead to high energy debris release in case of PT rotor overspeed occurrence, possibly resulting in damage to, and/or reduced control of, the aeroplane.

You may obtain further information by examining the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0658.

Related Service Information

GE Aviation Czech s.r.o. has issued Alert Service Bulletin (ASB) No. ASB–M601E–72–50–00–0069, ASB–M601D–72–50–00–0052, ASB–M601F–72–50–00–0035, ASB–M601T–72–50–00–0028, and ASB–M601Z–72–50–00–0038, (single document), dated February 21, 2017. The ASB describe procedures for replacing the PT disk.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of Czech Republic, and is approved for operation in the United States. Pursuant to our bilateral agreement with the European Community, EASA has notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design. This proposed AD would require removal of the affected PT disks.

Costs of Compliance

We estimate that this proposed AD affects 50 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
Disk removal and replacement	56 work-hours × $85 per hour = $4,760	$6,989	$14,749	$587,450

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):

GE Aviation Czech s.r.o. (Type Certificate previously held by WALTER Engines a.s., Walter a.s., and MOTORLET a.s.): Docket No. FAA–2017–0658; Product Identifier 2017–NE–20–AD.

(a) Comments Due Date

We must receive comments by November 6, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to certain GE Aviation Czech s.r.o. M601D–11, M601E–11, M601E–11A, M601E–11AS, M601E–11S, and M601F turboprop engines, with power turbine (PT) rotor disks, part number (P/N) M601–3220.6 or P/N M601–3220.7, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

(e) Reason

This AD was prompted by a review that determined that PT rotors with certain disks, P/N M601–3220.6 or P/N M601–3220.7, have less overspeed margin than originally declared during product certification. We are issuing this AD to prevent failure of the PT rotor, uncontained release of the PT rotor disk, damage to the engine, and damage to the airplane.

(f) Compliance

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

(2) After the effective date of this AD, remove the affected PT disk from service during the next engine shop visit, or within 5 years, whichever occurs first.

(g) Installation Prohibition

After the effective date of this AD, do not install an affected PT disk on any engine.

(h) Definition

For the purpose of this AD, an engine shop visit is when an engine is overhauled or rebuilt.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, ECO Branch, FAA, has the authority to approve AMOCs for this AD if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(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 Robert Green, Aerospace Engineer, ECO Branch, FAA, 1200 District Avenue, Burlington, MA 01803; phone: 781–238–7754; fax: 781–238–7199; email: *robert.green@faa.gov.*

(2) Refer to MCAI European Aviation Safety Agency AD 2017–0100, dated June 8, 2017, for more information. You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2017–0658.

(3) GE Aviation Czech s.r.o. Alert Service Bulletin No. ASB–M601E–72–50–00–0069, ASB–M601D–72–50–00–0052, ASB–M601F–72–50–00–0035, ASB–M601T–72–50–00–0028, and ASB–M601Z–72–50–00–0038, (single document), dated February 21, 2017, can be obtained from GE Aviation Czech s.r.o, using the contact information in paragraph (j)(4) of this proposed AD.

(4) For service information identified in this proposed AD, contact GE Aviation Czech s.r.o., Beranových 65, 199 02 Praha 9—Letňany, Czech Republic; phone: +420–222–538–111; fax: +420–222–538–222.

(5) You may view this service information at the FAA, Engine and Propeller Standards Branch, 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 September 13, 2017.

Robert J. Ganley,

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

[FR Doc. 2017–19969 Filed 9–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0750; Product Identifier 2017–NE–24–AD]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Corporation 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 Rolls-Royce Corporation (RRC) AE 3007A and AE 3007C model turbofan engines. This proposed AD was prompted by an updated analysis that lowered the life limit of fan wheels installed on the affected engines. This proposed AD would require removal of the affected fan wheel at new, lower life limits. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 6, 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 Rolls-Royce Corporation, 450 South Meridian Street, Mail Code NB–02–05, Indianapolis, IN 46225; phone: 317–230–3774; email: *indy.pubs.services@rolls-royce.com;* Internet: *www.rolls-royce.com.* You may view this service information at the FAA, Engine and Propeller Standards Branch, 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–2017–0750; 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: Kyri Zaroyiannis, Aerospace Engineer, Chicago ACO Branch, FAA, 2300 E. Devon Ave., Des Plaines, IL 60018; phone: 847–294–7836; fax: 847–294–7834; email: *kyri.zaroyiannis@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–2017–0750; Product Identifier 2017–NE–24–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 from RRC that an updated stress analysis shows higher stress than previously calculated in the aft retainer flange scallop of the fan wheel, part number (P/N) 23061670. As a result, RRC reduced the published life of the affected fan wheel. We are proposing new life limits to remove this fan wheel from service before exceeding this new life limit. This condition, if not corrected, could result in failure of the fan wheel, uncontained release of the fan wheel, damage to the engine, and damage to the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed RRC Alert Service Bulletin (ASB) AE 3007A–A–72–424/ASB AE 3007C–A–72–327 (one document), Revision 1, dated April 20, 2017. The ASB provides updated life limits for the affected fan wheels. 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 replacement of the affected fan wheels at new, lower life limits.

Costs of Compliance

We estimate that this proposed AD affects 341 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
Replace fan wheel (P/N 23061670) at reduced life.	0 work-hours × $85 per hour = $0	$12,357 (pro-rated cost of part)	$12,357	$4,213,737

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):

Roll-Royce Corporation (Type Certificate previously held by Allison Engine Company): Docket No. FAA–2017–0750; Product Identifier 2017–NE–24–AD.

(a) Comments Due Date

We must receive comments by November 6, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce Corporation (RRC) AE 3007A, AE 3007A1, AE 3007A1/1, AE 3007A1/2, AE 3007A1/3, AE 3007A1P, AE 3007A1E, AE 3007A3, AE 3007C and 3007C1 turbofan engines with a fan wheel, part number (P/N) 23061670, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code 7250, Turbine/turboprop Engine, Turbine Section.

(e) Unsafe Condition

This AD was prompted by an updated analysis that lowered the life limit of fan wheels installed on the affected engines. We are issuing this AD to prevent failure of the fan wheel. The unsafe condition, if not corrected, could result in failure of the fan wheel, uncontained release of the fan wheel, damage to the engine, and damage to the airplane.

(f) Compliance

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

(1) For all AE 3007A, AE 3007A1, AE 3007A1/1, AE 3007A1/2, AE 3007A1/3, AE 3007A1P, AE 3007A1E, AE 3007A3, AE 3007C and 3007C1 engines with an installed fan wheel, P/N 23061670, after the effective date of this AD, remove the affected fan wheel before exceeding the new life limits identified in Planning Information, paragraph 1.F., of RRC ASB AE 3007A–A–72–424/ASB AE 3007C–A–72–327 (one document), Revision 1, dated April 20, 2017.

(2) After the effective date of this AD, do not return to service any engine with a fan wheel, P/N 23061670, with a fan wheel life that exceeds the new life limits identified in Planning Information, paragraph 1.C., of RRC ASB AE 3007A–A–72–424/ASB AE 3007C–A–72–327 (one document), Revision 1, dated April 20, 2017.

(g) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Chicago ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the Chicago ACO Branch, send it to the attention of the person identified in paragraph (i)(1) of this AD.

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

(h) Related Information

(1) For more information about this AD, contact Kyri Zaroyiannis, Aerospace Engineer, Chicago ACO Branch, FAA, 2300 E. Devon Ave., Des Plaines, IL 60018; phone: 847–294–7836; fax: 847–294–7834; email: *kyri.zaroyiannis@faa.gov.*

(2) For RRC service information identified in this AD, contact Rolls-Royce Corporation, 450 South Meridian Street, Mail Code NB–02–05, Indianapolis, IN 46225; phone: 317–230–3774; email: *indy.pubs.services@rolls-royce.com;* Internet: *www.rolls-royce.com.*

(3) You may view this service information at FAA, Engine and Propeller Standards Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call 781–238–7125.

Issued in Burlington, Massachusetts, on September 13, 2017.

Robert J. Ganley,

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

[FR Doc. 2017–19962 Filed 9–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0910; Product Identifier 2017–CE–027–AD]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain Gulfstream Aerospace Corporation Models GIII (G–1159A), G–IV, and GIV–X airplanes. This proposed AD was prompted by a report that certain flap tracks were manufactured with the upper flange thickness less than design minimum. This proposed AD would require replacing any defective flap track. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 6, 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 Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, Georgia 31404–2206; telephone: (912) 965–3000; fax: (912) 965–3520; email: *pubs@gulfstream.com;* Internet: *www.gulfstream.com*. You may review this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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–

0910; 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: Ron Wissing, Aerospace Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5552; fax: (404) 474–5606; email: *ronald.wissing@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–2017–0910; Product Identifier 2017–CE–027–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 received a report from Gulfstream Aerospace Corporation that, during maintenance while replacing flap tracks on one of the affected airplanes, it was discovered that certain flap tracks were manufactured with the upper flange thickness less than design minimum and do not meet design load margins.

This condition, if not corrected, could result in deformation or failure of a flap track that could result in flap actuator failure, ''B track'' roller overload, flap twisting/failure, or asymmetrical flap track failure. This failure could result in an unrecoverable roll.

Related Service Information Under 1 CFR Part 51

We reviewed Gulfstream III Customer Bulletin Number 187, Gulfstream G450 Customer Bulletin Number 195, and Gulfstream IV Customer Bulletin Number 240, all dated June 28, 2017. The applicable model service information describes procedures for replacing any discrepant flap track C with an airworthy part. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously.

Costs of Compliance

We estimate that this proposed AD affects 6 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
Replace flap track C.	99 work-hours × $85 per hour = $8,415 per flap track C.	$10,644 per flap track C.	$19,059 per flap track C. There may be a flap track C on the left-side and the right-side of the airplane, for a total of 2 per airplane.	$114,354 per flap track C.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Gulfstream Aerospace Corporation: Docket No. FAA–2017–0910; Product Identifier 2017–CE–027–AD.

(a) Comments Due Date

We must receive comments by November 6, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Gulfstream Aerospace Corporation Model GIII (G–1159A), serial number (S/N) 460; Model G–IV, S/Ns 1129, 1151, 1167, 1175, 1214, and 1380; and Model GIV–X, S/Ns 4118 and 4227 airplanes.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by a report that certain flap tracks were manufactured with the upper flange thickness less than design minimum. We are issuing this AD to prevent deformation or failure of a flap track that could cause flap actuator failure, ''B track'' roller overload, flap twisting/failure, or asymmetrical flap track failure. This failure could result in an unrecoverable roll.

(f) Compliance

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

(g) Replace Flap Track C

Within the next 6 months after the effective date of this AD, replace the flap track C on the left side, part number (P/N) 1159WM20052–105, and/or the flap track C on the right side, P/N 1159WM20052–106, with an airworthy part. Do the replacements following Gulfstream III Customer Bulletin Number 187, Gulfstream G450 Customer Bulletin Number 195, or Gulfstream IV Customer Bulletin Number 240, all dated June 28, 2017, as applicable.

(h) Reporting Requirement

Although Gulfstream III Customer Bulletin Number 187, Gulfstream G450 Customer Bulletin Number 195, and Gulfstream IV Customer Bulletin Number 240, all dated June 28, 2017, specify to submit certain information to the manufacturer, this AD does not require that action.

(i) Special Flight Permit

Special flight permits under 14 CFR 39.23 are allowed with the following limitation: Do not extend 39 degrees (FULL) flaps until airspeed is at or below 170 knots.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Atlanta ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO Branch, send it to the attention of the person identified in paragraph (k) of this AD.

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

(3) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraph (g) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

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

(k) Related Information

(1) For more information about this AD, contact Ron Wissing, Aerospace Engineer, Atlanta ACO Branch, FAA, 1701 Columbia Avenue, College Park, Georgia 30337; phone: (404) 474–5552; fax: (404) 474–5606; email: *ronald.wissing@faa.gov.*

(2) For service information identified in this AD, contact Gulfstream Aerospace Corporation, P.O. Box 2206, Savannah, Georgia 31404–2206; telephone: (912) 965–3000; fax: (912) 965–3520; email: *pubs@gulfstream.com;* Internet: *www.gulfstream.com.* FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on September 14, 2017.

Pat Mullen,

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

[FR Doc. 2017–20051 Filed 9–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0911; Product Identifier 2017–CE–025–AD]

RIN 2120–AA64

Airworthiness Directives; Alexander Schleicher GmbH & Co. Segelflugzeugbau Gliders

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

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all Alexander Schleicher GmbH & Co. Segelflugzeugbau Models ASH 25M and ASH 26E gliders. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as fatigue cracks found on the exhaust silencer. We are issuing this proposed AD to require actions to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 6, 2017.

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

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

For service information identified in this proposed AD, contact Alexander Schleicher GmbH & Co. Segelflugzeugbau, Alexander-Schleicher-Str. 1, D–36163 Poppenhausen, Germany; phone: +49 (0) 06658 89–0; fax: +49 (0) 06658 89–40; Internet: *http://www.alexander-schleicher.de/;* email: *info@alexander-schleicher.de.* You may review this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri

64106. For information on the availability of this material at the FAA, call (816) 329–4148.

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–2017–0911; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–0911; Product Identifier 2017–CE–025–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2017–0136, dated July 31, 2017 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Occurrences were reported of finding cracks on exhaust silencer part number (P/N) 800.65.0001, installed on ASK 21 Mi powered sailplanes. Subsequent investigation determined that the affected part is susceptible to fatigue cracking and is also installed on other Schleicher powered sailplanes.
>
> This condition, if not corrected, could lead to heat damage in the engine compartment and to the engine installation, possibly resulting in reduced control of the powered sailplane.
>
> To address this potentially unsafe condition, Schleicher issued Technical Note (TN) ASK 21 Mi No. 11, TN ASW 22 BLE 50R No. 16, TN ASH 25 M/Mi No. 32 and TN ASH 26 E No. 19 (single document, hereafter referred to as 'the TN' in this [EASA] AD), to provide replacement instructions.
>
> For the reasons described above, this [EASA] AD requires replacement of the affected exhaust silencer with an improved part and introduces installation restrictions of a part with P/N 800.65.0001.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0911.

Related Service Information Under 1 CFR Part 51

Alexander Schleicher GmbH & Co. Segelflugzeugbau has issued ASK 21 Mi Technical Note No. 11, ASW 22 BLE 50R Technical Note No. 16, ASH 25 M/Mi Technical Note No. 32, ASH 26 E Technical Note No. 19 (single document), dated January 8, 2016. The service information describes procedures for replacing the exhaust silencer with an improved part. 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 of this NPRM.

FAA's Determination and Requirements of the Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with this State of Design Authority, they have notified us of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD will affect 35 products of U.S. registry. We also estimate that it would take about 8 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $3,900 per product.

Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $160,300, or $4,580 per product.

We have no way of determining the number of products that have an affected exhaust silencer, part number 800.65.0001, installed that would need to be replaced. Therefore, this cost estimate includes all affected gliders on the U.S. registry.

Authority for This Rulemaking

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

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

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

Alexander Schleicher GmbH & Co. Segelflugzeugbau: Docket No. FAA–2017–0911; Product Identifier 2017–CE–025–AD.

(a) Comments Due Date

We must receive comments by November 6, 2017.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Alexander Schleicher GmbH & Co. Segelflugzeugbau Models ASH 25M and ASH 26E gliders, all serial numbers, that:

(1) Have an exhaust silencer, part number (P/N) 800.65.0001, installed; and

(2) are certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 78: Engine Exhaust.

(e) Reason

This AD was prompted by mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as fatigue cracks found on the exhaust silencer. We are issuing this AD to prevent heat damage in the engine compartment and to the engine installation, which could result in reduced control.

(f) Actions and Compliance

Unless already done, do the following actions:

(1) Before exceeding 150 hours time-in-service (TIS) on the exhaust silencer, (P/N) 800.65.0001, since new, or within the next 5 hours TIS after the effective date of this AD, whichever occurs later, replace P/N 800.65.0001 with an improved exhaust silencer, P/N 800.65.9010. Do the replacement as specified in Alexander Schleicher GmbH & Co. Segelflugzeugbau ASK 21 Mi Technical Note No. 11, ASW 22 BLE 50 R Technical Note No. 16, ASH 25 M/Mi Technical Note No. 32, ASH 26 E Technical Note No. 19 (single document), dated January 8, 2016.

(2) As of the effective date of this AD, do not install a P/N 800.65.0001 exhaust silencer.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Small Airplane Standards Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Jim Rutherford, Aerospace Engineer, FAA, Small Airplane Standards Branch, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4165; fax: (816) 329–4090; email: *jim.rutherford@faa.gov*. Before using any approved AMOC on any glider to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, Small Airplane Standards Branch, FAA; or the European Aviation Safety Agency (EASA).

(h) Related Information

Refer to MCAI EASA AD 2017–0136, dated July 31, 2017, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0911. For service information related to this AD, contact Alexander Schleicher GmbH & Co. Segelflugzeugbau, Alexander-Schleicher-Str. 1, D–36163 Poppenhausen, Germany; phone: +49 (0) 06658 89–0; fax: +49 (0) 06658 89–40; Internet: *http://www.alexander-schleicher.de/;* email: *info@alexander-schleicher.de*. You may review this referenced service information at the FAA, Policy and Innovation Division, 901 Locust, Kansas City, Missouri 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

Issued in Kansas City, Missouri, on September 14, 2017.

Pat Mullen,

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

[FR Doc. 2017–20052 Filed 9–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0103; Product Identifier 2016–SW–086–AD]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Agusta S.p.A. Model AB139 and Model AW139 helicopters. This proposed AD would require inspecting the thickness of the tail gearbox (TGB) central housing (housing). This proposed AD is prompted by reports that the housing thickness does not conform to its type design. The actions of this proposed AD are intended to detect and correct an unsafe condition on these products.

DATES: We must receive comments on this proposed AD by November 21, 2017.

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

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0103; or in person at the Docket Operations Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the European Aviation Safety Agency (EASA) AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

For service information identified in this proposed rule, contact Leonardo S.p.A., Matteo Ragazzi, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–711756; fax +39–0331–229046; or at *http://www.leonardocompany.com/-/bulletins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD No. 2016–0246, dated December 13, 2016, to correct an unsafe condition for Leonardo S.p.A. (formerly Finmeccanica S.p.A. and Agusta S.p.A.) Model AB139 and Model AW139 helicopters.

EASA advises that the thickness of some sections of the housing do not conform to the type design. According to EASA, this condition, if not detected and corrected, could lead to premature cracks in the housing, resulting in failure of the tail gear rotor transmission and reduced control of the helicopter. The EASA AD consequently requires a one-time inspection to determine the thickness of the housing wall, and depending on the findings, replacing the housing or TGB assembly with an airworthy part.

The FAA is in the process of updating Agusta S.p.A.'s name change to Leonardo S.p.A. on its FAA type certificate. Because this name change is not yet effective, this AD specifies Agusta S.p.A. as the type certificate holder.

FAA's Determination

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

Related Service Information Under 1 CFR Part 51

We reviewed Leonardo Bollettino Tecnico No. 139–274, dated September 14, 2016 (BT 139–274), which specifies procedures for a dimensional check of the housing or TGB to determine the thickness of the housing wall. For housings with fewer than 7,500 flight hours, BT 139–274 specifies compliance with the dimensional check by measurement during the next repair or overhaul, and replacing the housing if it does not meet its thickness requirement. For housings with 7,500 or more flight hours, BT 139–274 specifies compliance with the dimensional check by ultrasonic inspection within 300 flight hours, and replacing the TGB if it does not meet its thickness requirement. BT 139–274 excludes certain serial-numbered housings from the applicability because they were inspected before delivery to customers.

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

Proposed AD Requirements

This proposed AD would require the following:

- If a housing has fewer than 7,500 hours time-in-service (TIS), before reaching 7,500 hours TIS, inspecting the housing wall to determine the thickness and replacing the housing if the thickness is less than 2.65 mm (0.104 inch).
- If a housing has 7,500 or more hours TIS, within 300 hours TIS, ultrasonic inspecting the TGB to determine the thickness and replacing the TGB if the thickness is less than 2.65 mm (0.104 inch).

Differences Between This Proposed AD and the EASA AD

If a housing has fewer than 7,500 hours TIS, the EASA AD requires a dimensional inspection of the housing wall at a helicopter's first return to a shop or service station for a TGB overhaul or repair after the EASA AD's effective date but no later than 7,500 hours TIS. This proposed AD would require such an inspection only before reaching 7,500 hours TIS.

Costs of Compliance

We estimate that this proposed AD would affect 103 helicopters of U.S. Registry and that labor costs average $85 per work-hour. Based on these estimates, we expect the following costs:

- Measuring the thickness of the housing would require .5 work-hour and no parts would be needed for a cost of $43 per helicopter.
- Ultrasonic inspecting the thickness of the housing would require 2 work-hours and no parts would be needed for a cost of $170 per helicopter.
- Replacing the TGB housing would require 5 work-hours, and parts would cost $11,185 for a cost of $11,610 per helicopter.

Authority for This Rulemaking

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

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

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Agusta S.p.A.: Docket No. FAA–2017–0103; Product Identifier 2016–SW–086–AD.

(a) Applicability

This AD applies to Agusta S.p.A. Model AB139 and Model AW139 helicopters, certificated in any category, with a tail gearbox (TGB) assembly part number (P/N) 3T6522A00239, 3T6522A00242, 3T6522A00243, or 3T6522A00246 that has a central housing P/N 3T6522A05144 or 3T6522A05146, all serial numbers except those listed in Table 1 of Leonardo Helicopters Bollettino Technico No. 139–274, dated September 14, 2016.

(b) Unsafe Condition

This AD defines the unsafe condition as nonconforming thickness in a section of a TGB central housing, which can lead to a crack in the TGB central housing. This condition could result in the failure of the tail gear rotor transmission and loss of helicopter control.

(c) Comments Due Date

We must receive comments by November 21, 2017.

(d) Compliance

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

(e) Required Actions

(1) For helicopters with a TGB central housing with less than 7,500 hours time-in-service (TIS), before accumulating 7500 hours TIS, measure the thickness of the central housing in accordance with the Compliance Instructions, Part I paragraphs 1 and 2, of Bollettino Tecnico No. 139–274, dated September 14, 2016 (BT 139–274). If the thickness is less than 2.65 mm (0.104 inch), replace the TGB central housing before further flight.

(2) For helicopters with a TGB central housing with 7500 or more hours TIS, within 300 hours TIS, ultrasonic inspect the TGB in accordance with the Compliance Instructions, Part II paragraphs 4 through 4.5 of BT 139–274. If the thickness is less than 2.65 mm (0.104 inch), replace the TGB before further flight.

(3) After the effective date of this AD, do not install a central housing P/N 3T6522A05144 or 3T6522A05146, all serial numbers except those listed in Table 1 of BT 139–274, on any helicopter unless it has passed inspection in accordance with paragraph (e)(1) of this AD.

(f) Special Flight Permits

Special flight permits are prohibited.

(g) Alternative Methods of Compliance (AMOCs)

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

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

(h) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2016–0246, dated December 13, 2016. You may view the EASA AD on the Internet at *http://www.regulations.gov* in the AD Docket.

(i) Subject

Joint Aircraft Service Component (JASC) Code: 6720, Tail Rotor Control System.

Issued in Fort Worth, Texas, on September 11, 2017.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2017–19943 Filed 9–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0740; Airspace Docket No. 17–AGL–18]

Proposed Amendment of Class E Airspace; Milwaukee, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to modify the Class E airspace extending upward from 700 feet above the surface at Batten International Airport, Racine, WI, contained within the Milwaukee, WI, airspace description. The FAA is proposing this action due to the decommissioning of the Horlick VHF omnidirectional range (VOR), which provided navigation guidance for the instrument procedures to this airport. The VOR is being decommissioned as part of the VOR Minimum Operational Network (MON) Program.

DATES: Comments must be received on or before November 6, 2017.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2017–0740; Airspace Docket No. 17–AGL–15, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy

Group, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC, 20591; telephone: (202) 267–8783. The Order is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11A at NARA, call (202) 741–6030, or go to *http://www.archives.gov/federal_register/code_of_federal-regulations/ibr_locations.html.*

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E airspace extending upward from 700 feet above the surface at Batten International Airport, Racine, WI, contained within the Milwaukee, WI, airspace description, to support instrument flight rules (IFR) operations at the airport.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0740; Airspace Docket No. 17–AGL–18.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 by modifying the Class E airspace area extending upward from 700 feet above the surface to within a 6.6-mile radius (decreased from an 8.1-mile radius) at Batten International Airport, Racine, WI, contained within the Milwaukee, WI, airspace description.

Airspace reconfiguration is necessary due to the decommissioning of the Horlick VOR, which provided navigation guidance for the instrument procedures to this airport, as part of the VOR MON Program. This action would enhance safety and the management of IFR operations at this airport.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

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

* * * * *

AGL WI E5 Milwaukee, WI [Amended]

Milwaukee, General Mitchell International Airport, WI
(Lat. 42°56′49″ N., long. 87°53′49″ W.)
Racine, Batten International Airport, WI
(Lat. 42°45′40″ N., long. 87°48′50″ W.)
Waukesha, Waukesha County Airport, WI
(Lat. 43°02′28″ N., long. 88°14′13″ W.)
Milwaukee, Lawrence J. Timmerman Airport, WI
(Lat. 43°06′37″ N., long. 88°02′04″ W.)

That airspace extending upward from 700 feet above the surface within an 8.4-mile radius of General Mitchell International Airport, and within a 6.6-mile radius of Batten International Airport, and within a 7.5-mile radius of Waukesha County Airport, and within 2 miles each side of the 282° bearing from Waukesha County Airport extending from the 7.5-mile radius to 10.5 miles west of Waukesha County Airport, and within an 8.9-mile radius of Lawrence J. Timmerman Airport.

Issued in Fort Worth, Texas, on September 13, 2017.

Vonnie Royal,

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

[FR Doc. 2017–19948 Filed 9–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2017–F–4399]

Zinpro Corp.; Filing of Food Additive Petition (Animal Use)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification; petition for rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Zinpro Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of chromium DL-methionine as a nutritional source of chromium in cattle feed.

DATES: Submit either electronic or written comments on the petitioner's environmental assessment by October 23, 2017.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before October 23, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of October 23, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

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 comment, 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–F–4399 for ''Food Additives Permitted in Feed and Drinking Water of Animals; Chromium DL-Methionine.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comment 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: Carissa Doody, Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–6283, *carissa.doody@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (section 409(b)(5) (21 U.S.C. 348(b)(5)), notice is given that a food additive petition (FAP 2300) has been filed by the Zinpro Corp., 10400 Viking Dr., Suite 240, Eden Prairie, MN 55344. The petition proposes to amend Title 21 of the Code of Federal Regulations (CFR) in part 573 *Food Additives Permitted in Feed and Drinking Water of Animals* (21 CFR part 573) to provide for the safe use of chromium DL-methionine as a nutritional source of chromium in cattle feed.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations issued under the National Environmental Policy Act (40 CFR 1501.4(b)), the Agency is placing the environmental assessment (EA) submitted with the petition that is the subject of this notice on public display at the Dockets Management Staff for public review and comment (see **DATES** and **ADDRESSES**). FDA will also place on public display any amendments to, or comments on, the petitioner's EA without further announcement in the **Federal Register**.

If, based on its review, the Agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the Agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.51(b).

Dated: September 15, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–20195 Filed 9–21–17; 8:45 am]

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Copyright Royalty Board

37 CFR Part 387

[Docket No. 15–CRB–0010–CA–S (Sports Rule Proceeding)]

Adjustment of Royalty Rates for Statutory Cable Retransmission License

AGENCY: Copyright Royalty Board (CRB), Library of Congress.

ACTION: Request for comments.

SUMMARY: The Copyright Royalty Judges solicit reply comments on the legal issue of the purported reach of the proposed rules relating to a cable system license royalty surcharge for retransmission of broadcasts of certain professional sports events.

DATES: Reply comments are due on or before October 23, 2017. Surreplies from original commenters are due on or before November 1, 2017.

ADDRESSES: You may make replies and surreplies, identified by docket number 15–CRB–0010–CA–S (Sports Rule Proceeding), 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, commenters must submit an original, five paper copies, and an electronic version on a CD. All submissions must include the CRB's name and docket number. All submissions received will be posted without change to eCRB on *https://app.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 15–CRB–0010–CA–S (Sports Rule Proceeding). For documents not yet uploaded to eCRB (because it is a new system), go to the agency Web site at *http://www.crb.gov/* or contact the CRB Program Specialist.

FOR FURTHER INFORMATION CONTACT: Anita Blaine, CRB Program Specialist, by telephone at (202) 707–7658 or email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: In May 2017, the Copyright Royalty Judges (Judges) published notice of an agreed settlement and proposed rules to adjust royalties payable by certain cable system operators for a license to retransmit broadcast sports programming (the Sports Surcharge Rules). *See* 82 FR 24611 (May 30, 2017). Specifically, the rules as proposed would be applicable to ''Form 3'' cable systems [1] retransmitting ''eligible professional sports events.'' The proposed rules define ''eligible professional sports event'' as a game involving member teams of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, and the Women's National Basketball Association.[2]

The Copyright Act (Act) directs that the Judges provide (1) an opportunity to comment to nonparticipants who would be bound and (2) an opportunity to comment *and object* to *participants* who would be bound. *See* 11 U.S.C. 801(b)(7)(A)(i). The Judges may decline to adopt an agreement as a basis for statutory terms and rates for ''participants that are not parties to the [settlement] agreement,'' if a *participant* objects to the agreement and the Judges conclude that the settlement ''does not provide a reasonable basis for setting'' rates or terms. *Id.* at § 801(b)(7)(A)(ii).

The statutory language does not prohibit the Judges from considering whether the proposed provisions are contrary to statutory law. *See [Register of Copyrights] Review of Copyright Royalty Judges Determination,* Docket no. 2009–1, 74 FR 4537, 4540 (Jan. 26, 2009) (Register's Opinion).[3] In the cited

[1] ''Form 3'' cable systems are those with semi-annual gross receipts, as defined by statute, greater than $527,600. *See* 17 U.S.C. 111(d)(1)(B), (E), & (F).

[2] The proposed sports programming surcharge would also apply to an ''eligible collegiate sports event'' as that term is defined in the proposed regulations. Eligible collegiate sports events are limited to games that involve certain Division I football or men's basketball teams. Proposed Rule 387.2(e)(5).

[3] The Act permits the Register of Copyrights (Register) to review for legal error the Judges' resolution of a material question of substantive law under the Act ''that underlies or is contained in a final determination'' by the Judges. *See* 17 U.S.C.

opinion, the Register concluded that ''nothing in the statute limits the [Judges] from considering comments filed by non-participants if those nonparticipant commenters argue that the proposed provisions are contrary to statutory law.'' *Id.* According to the Register's Opinion, which is binding precedent for the Judges, the Judges may decline to adopt portions of the agreed regulations that would be ''contrary to the provisions of the applicable license(s) or otherwise contrary to statutory law.'' *Id.*

The Judges received two comments on the proposed rules before the June deadline. Joint Sports Claimants (JSC),[4] participants and the proponents of the settlement, supported adoption of the final rule and offered a correction of a misstated cross reference within the rule.

Major League Soccer, L.L.C. (MLS) also commented. In the present proceeding, MLS did not file a Petition to Participate; thus MLS is a not a participant.[5] Nonetheless, MLS states that it would be ''[a]ffected by these proposed rules and their terms.'' MLS Comment at 2. MLS contends that, even though it is not a participant in this proceeding, it clearly meets the [Judges'] description of 'Joint Sports Claimants' [6] in that MLS owns copyrights in ''live telecasts of professional teams' sports broadcasts by U.S. and Canadian television stations. . . .'' *Id.* As MLS asserted in its comment, the definition of ''eligible professional sports event'' ''unfairly excludes MLS, and any other [unnamed] eligible, professional league that broadcasts live team sports.'' *Id.* at 3. In its comment, MLS contends that its omission results in unfair treatment. *Id.* at 2, 4.

According to MLS, ''[s]ince JSC are representatives for, and custodians of the funds of, all programs falling within that agreed [Joint Sports Claimants] category, [JSC] should represent the interests of the entire category, not only those it deems *members.* The benefits of the regulation should apply to a [sic] who fall into the Joint Sports Claimants category.'' *Id.* at 3.

Although MLS generally states that adoption of the proposal would be unfair or inequitable to MLS and certain other omitted professional leagues that broadcast live team sports, MLS does not expressly contend that the proposal is ''contrary to the provisions of the applicable license(s) or otherwise contrary to statutory law,'' which, under the Register's Opinion, would permit the Judges to decline to adopt portions of the agreed regulations. In the interests of developing a more complete record to support the Judges' decision, however, the Judges seek further comment specifically addressing the issue of whether they must adopt the rules as contained in the settlement agreement and published for comment in May 2017, consistent with Section 801(b)(7)(A) of the Copyright Act, or whether any provision in the proposed rules is contrary to the provisions of the applicable license(s) or otherwise contrary to statutory law.

The Judges hereby solicit Reply Comments limited to legal analysis of the issue as the Judges express it. Any party in interest may file Reply Comments addressing the issue the Judges present in this Notice. Commenters that believe any provision of the proposed rules is contrary to the provisions of the applicable license(s) or otherwise contrary to statutory law should specify the provision or provisions in question, explain why the provision(s) is contrary to the applicable license or applicable statutory law, and provide supporting legal analysis. Reply commenters should focus particular attention on whether any entities not expressly addressed in the proposal would nonetheless be bound by the rates and terms of the proposal or otherwise affected by the proposed rules and how, if at all, the affect should dictate action by the Judges. If any entities other than those expressly included in the proposed provisions are bound by the proposal, are the Judges effectively adopting a zero sports surcharge rate with respect to those entities? If so, what factors justify the different rates for the entities that would have a zero rate from those that would receive the proposed sports surcharge rate?

Any commenter may thereafter file Surreply Comments addressing specifically the legal analysis of a party or parties filing Reply Comments.

Dated: September 18, 2017.

Suzanne M. Barnett,

Chief U.S. Copyright Royalty Judge.

[FR Doc. 2017–20190 Filed 9–21–17; 8:45 am]

BILLING CODE 1410–72–P

802(f)(1)(D). Decisions of the Register are binding as precedent upon the Judges in proceedings subsequent to the Register's opinion. *Id.*

[4] The Joint Sports Claimants (JSC) consists of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, and the Women's National Basketball Association.

[5] MLS asserted without evidence that it made ''attempts to join the JSC ''on a formal basis,'' but that it had ''not yet been recognized as a JSC member.'' MLS Comment at 2.

[6] *See* Notice of Participant Groups . . . and Scheduling Order, Consolidated Proceeding No. 14–CRB–0010–CD (2010–13) (Nov. 25, 2015), Ex. A. By its terms, this order limited application of the agreed participant groups to the proceeding in which it was adopted. The Judges nonetheless consider the categories informative for purposes of determining distribution in the present proceeding.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[EPA–R01–OW–2017–0528; FRL–9967–82–Region 1]

Ocean Disposal; Temporary Modification of an Ocean Dredged Material Disposal Site in Massachusetts Bay

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a temporary modification of the currently-designated Massachusetts Bay Dredged Material Disposal Site (MBDS) pursuant to the Marine Protection, Research, and Sanctuaries Act, as amended (MPRSA). The purpose of this temporary site modification is to allow for the environmental restoration of a particular area adjacent to the currently-designated MBDS (Potential Restoration Area) by temporarily expanding the boundaries of the existing MBDS. The temporary expansion is a circular area that contains the Potential Restoration Area, which includes most of the historic Industrial Waste Site (IWS). Decades ago, the IWS was used for the disposal of barrels containing industrial, chemical and radioactive waste, as well as for the disposal of munitions, ordnance, construction equipment, and contaminated dredged material. The proposed modification of the disposal site boundary will enable the U.S. Army Corps of Engineers (USACE) to place suitable dredged material from Boston Harbor generated during the Deep Draft Navigation Project at the Potential Restoration Area in order to cover the barrels and other wastes disposed there in the past. The Deep Draft Navigation Project includes maintenance dredging in the inner harbor, which includes the expansion of a confined aquatic disposal (CAD) cell and will generate approximately 1 million cubic yards (cy) of dredged material, as well as improvement dredging of the main ship channel, which will generate approximately 11 million cy of dredged material. The existing MBDS will continue to be used for disposal of other dredging projects as usual. The expansion area would be permanently

closed upon completion of the Boston Harbor maintenance and improvement projects, while the existing MBDS will remain open for the disposal of suitable dredged material. Like the MBDS, however, the expansion would be subject to ongoing monitoring and management to ensure continued protection of the marine environment.

DATES: Comments must be received on or before October 23, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R01–OW–2017–0528, at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www2.epa.gov/dockets/commenting-epa-dockets.*

Docket: Publically available docket materials are available either electronically at *regulations.gov* or on the EPA Region 1 Ocean Dumping Web page at *https://www.epa.gov/ocean-dumping/managing-ocean-dumping-epa-region-1.* They are also available in hard copy during normal business hours at the EPA Region 1 Library, 5 Post Office Square, Boston, MA 02109.

The supporting document for this site modification is the *Draft Environmental Assessment on the Expansion of the Massachusetts Bay Ocean Dredged Material Disposal Site (ODMDS),* September 2017, which was prepared by EPA.

FOR FURTHER INFORMATION CONTACT: Alicia Grimaldi, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, Suite 100, Mail Code: OEP 6–1, Boston, MA 02109; telephone—(617) 918–1806; fax—(617) 918–0806; email address—*grimaldi.alicia@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Potentially Affected Persons

The expansion of the MBDS is a temporary modification made in order to improve environmental conditions at the Potential Restoration Area by allowing suitable dredged material from the USACE Boston Harbor maintenance and improvement projects only to be placed over wastes dumped in the past at the historic IWS. Therefore, the persons potentially affected by this action would be limited to the USACE, who are responsible for the Boston Harbor Deep Draft Navigation Project and the disposal of dredged material into ocean waters under MPRSA. The existing MBDS will continue to be used for the disposal of dredged material suitable for ocean disposal pursuant to the MPRSA.

II. Background

A. History of Disposal Sites in Massachusetts Bay

The IWS is a disposal site in Massachusetts Bay approximately 20 nautical miles (nmi) east of Boston that was used in the past for disposal of a variety of wastes that would not be permitted for disposal today. The IWS is a circular cite with a center of 42°25.7′ N., 70°35.0′ W. and a radius of 1 nmi. It is believed that disposal of derelict vessels, construction debris, commercial waste, and dredged material at the area may have begun as early as the early 1900s. There are records dating back to the 1940s for the disposal of radioactive, chemical and hospital waste, ordnance, munitions, etc. Use of the IWS was discontinued in 1977 and the site was officially de-designated in 1990 (55 FR 3688). From 1977 through 1993, there was an Interim Massachusetts Bay Disposal Site for dredged material disposal with a center 1 nmi east of the IWS at 42°25.7′ N., 70°34.0′ W. and a radius of 1 nmi. In 1993, the existing MBDS was designated by EPA with a center at 42°25.1′ N., 70°35.0′ W. and a radius of 1 nmi, an area of 3.14 nmi^2, and depth ranges from 82 to 92 m. The MBDS overlaps the IWS to the south, but avoids the known densest concentration of barrels, also known as the barrel field. The MBDS is used solely for the disposal of dredged material, primarily from Boston Harbor.

The USACE will begin the Boston Harbor maintenance and improvement dredging projects in the fall of 2017. The project is expected to generate approximately 12 million cubic yards of dredged material consisting primarily of Boston blue clay. EPA and USACE are proposing to use this dredged material beneficially by covering the area in and around the historic IWS barrel field. This will be accomplished utilizing a method of disposal developed and tested by the USACE, which is designed to prevent direct impact of sediment onto waste containers, which could potentially break them or cause the resuspension of potentially contaminated sediment on the seafloor.

Before any entity can dispose of dredged material at the MBDS, EPA and the USACE must evaluate the project according to the ocean dumping regulatory criteria (40 CFR 227) and determine whether to authorize the disposal. EPA independently evaluates proposed disposal projects and has the right to restrict and/or reject the disposal of dredged material if it determines that the environmental protection requirements under the MPRSA have not been met. This proposed modification to the MBDS site boundaries does not constitute an approval by EPA or USACE for open water disposal of dredged material from any specific project.

B. Location and Configuration of Modified Ocean Dredged Material Disposal Site

EPA proposes the temporary expansion of the MBDS boundaries to include the Potential Restoration Area, which encompasses the IWS barrel field. The expansion will be temporary, opening upon the effective date of the Final Rule and closing upon completion of the Boston Harbor maintenance and improvement dredging projects. The temporarily expanded site will consist of two overlapping circles:

- Center 1—42°25.1′ N., 70°35.0′ W., 1 nautical mile radius (existing MBDS)
- Center 2—42°26.417′ N., 70°35.373′ W., 0.75 nautical mile radius (temporary expansion)

The area of the temporarily modified MBDS is 4.60 nmi^2 and the western edge is approximately 19 nmi east of Boston. Water depths at the modified site range from 70 to 91m. Like the existing MBDS, the modified MBDS will not overlap, and is not expected to impact, the Stellwagen Bank National Marine Sanctuary (SBNMS).

C. Management and Monitoring of the Site

Under the proposal, there would be two distinct areas of the modified MBDS: The existing MBDS and the temporary expansion. The existing MBDS will continue to be utilized as a dredged material disposal site for those projects generating dredged material suitable for open water disposal under the MPRSA. The temporary expansion will solely be used for the disposal of

suitable material generated during the Boston Harbor maintenance and improvement dredging projects. Disposal of dredged material in both the existing MBDS and temporary expansion would be required to abide by the Site Management and Monitoring Plan (SMMP) for the MBDS. The SMMP includes management and monitoring requirements to ensure that the any dredged material placed at the sites is suitable for ocean disposal and that the adverse impacts of disposal, if any, are addressed to the maximum extent practicable. The SMMP for the MBDS includes restrictions on time-of-year for disposal and disposal vessel speeds, requirements for the presence of a marine mammal observer for each disposal event, and other guidelines to minimize any potential conflicts with threatened or endangered species.

D. MPRSA Criteria

EPA has assessed the proposed temporary modification to the MBDS according to the criteria of the MPRSA, with particular emphasis on the general and specific regulatory criteria of 40 CFR 228.5 and 228.6, to determine whether the proposed site modification satisfied those criteria. The *Draft Environmental Assessment of the Expansion of the Massachusetts Bay Ocean Dredged Material Disposal Site (ODMDS)* provides an extensive evaluation of the site selection criteria and other related factors considered in deciding to propose the modification of the MBDS.

1. General Criteria (40 CFR 228.5)

(a) *The dumping of materials into the ocean will be permitted only at sites or in areas selected to minimize the interference of disposal activities with other activities in the marine environment, particularly avoiding areas of existing fisheries or shellfisheries, and regions of heavy commercial or recreational navigation.*

Since it's designation in 1993, disposal at the MBDS has not interfered with other activities in the marine environment. It is anticipated that this will also be the case for the temporarily modified MBDS. The IWS has been closed by the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service (NMFS) since 1980 to the harvesting of surf clams and ocean quahogs. There is also a warning from NOAA and the Food and Drug Administration (FDA) on all nautical charts against harvesting fish and shellfish in the area. The expanded MBDS area has low recreational boater density and does not overlap with the shipping lanes into and out of Boston Harbor.

(b) *Locations and boundaries of disposal sites will be so chosen that temporary perturbations in water quality or other environmental conditions during initial mixing caused by disposal operations anywhere within the site can be expected to be reduced to normal ambient seawater levels or to undetectable contaminant concentrations or effects before reaching any beach, shoreline, marine sanctuary, or known geographically limited fishery or shellfishery.*

The modified MBDS will be used only for dredged material suitable for ocean disposal under the MPRSA. USACE also models disposal projects to evaluate their potential to violate water quality standards. The nearest shoreline to the modified MBDS is approximately 8 nmi to the north. The prevailing current is not expected to transport dredged material to surrounding beaches or shores. Temporary changes caused by the physical movement of sediment through the water column will be reduced to ambient conditions before reaching any environmentally sensitive area. SBNMS is immediately east of the site, but a steep bathymetric rise between the two features provides containment of dredged material in the deeper area containing the modified MBDS, known as Stellwagen Basin. There are no known geographically-limited fisheries or shellfisheries in the project area.

(d) *The sizes of ocean disposal sites will be limited in order to localize for identification and control any immediate adverse impacts and permit the implementation of effective monitoring and surveillance programs to prevent adverse long-range impacts. The size, configuration, and location of any disposal site will be determined as a part of the disposal site evaluation or designation study.*

The size and configuration of the temporarily modified MBDS is specifically designed to allow for the IWS barrel field to be covered by suitable dredged material generated during the USACE Boston Harbor maintenance and improvement projects. The MBDS area has been monitored under the USACE Disposal Area Monitoring System (DAMOS) program since the late 1970s. Monitoring will continue at the MBDS and temporary expansion to prevent adverse long-range impacts.

(e) *EPA will, wherever feasible, designate ocean dumping sites beyond the edge of the continental shelf and other such sites that have been historically used.*

The continental shelf is over 220 nmi east of Boston. Therefore, transporting material to, and performing long-term monitoring at, a site located off the continental shelf is not economically or operationally feasible. The project area has been used for ocean disposal since at least the early 1900s.

2. Specific Criteria (40 CFR 228.6(a))

(1) *Geographical position, depth of water, bottom topography and distance from coast.*

The temporarily expanded MBDS is located in an area of Massachusetts Bay known as Stellwagen Basin and is approximately 8 nmi from the nearest coastline in Gloucester, MA. The depth of the temporarily expanded site ranges from 70–91 meters. The seafloor in the area is primarily flat and primarily made up of silt and clay. There are two glacial knolls included within the boundaries of the temporary expansion, both roughly 20 m high. These knolls are not included in the Potential Restoration Area and, therefore, no disposal will take place on them.

(2) *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases.*

The MBDS area contains Essential Fish Habitat (EFH) for various fish species, and certain threatened and endangered species of whale and sea turtle have been sighted in the vicinity of the MBDS. Furthermore, the entirety of Massachusetts Bay, and most of the larger Gulf of Maine, are designated as a critical foraging habitat for the North Atlantic Right Whale by NMFS. At the same time, NMFS has previously determined that dredged material disposal at the MBDS would not impact any of these species and restrictions are in place to ensure their safety, including vessel speed and disposal time-of-year limitations and the requirement that marine mammal observers accompany the USACE on vessels during disposal operations. Furthermore, any risk of contaminants entering the food web is expected to be minimized by the covering of the IWS barrel field.

(3) *Location in relation to beaches and other amenity areas.*

The closest beach to the temporarily expanded MBDS is 10 nmi away. The SBNMS is just east of the MBDS. Past dredged material disposal has not impacted the SBNMS and no impact to the SBNMS is expected with the temporary expansion of the MBDS.

(4) *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the waste, if any.*

The MBDS is only to be used for the disposal of dredged material that is suitable for ocean disposal under the MPRSA. The temporary expansion of the MBDS will only be used for suitable dredged material generated during the USACE Boston Harbor maintenance and navigation projects. Disposal within the temporary expansion will utilize a berm-building technique devised by the USACE in order to minimize the risk of barrel breakage or resuspension of potentially contaminated seafloor sediment.

(5) *Feasibility of surveillance and monitoring.*

The MBDS is monitored through the DAMOS program under the guidance of the SMMP. Disposal is also monitored through the National Dredging Quality Management Program to confirm accurate placement of dredged material. The area of temporary expansion will be included in the monitoring of the MBDS under the DAMOS program from the time of first disposal for as long as MBDS monitoring continues.

(6) *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any.*

Current velocities range from 0–30 cm/s in the MBDS area. Currents are influenced by tides in a rotational manner, but net water movement is to the southeast. Regional dredged material is primarily made up of fine sand, silt, and clay. Dredged material generated during the USACE Boston Harbor maintenance and improvement projects is primarily Boston blue clay, which is cohesive and, therefore, settles rapidly. Minimal horizontal mixing or vertical stratification of dredged material occurs, resulting in low suspended sediment concentrations. Previous modeling of initial disposal indicates no adverse impacts in the water column or violations of water quality criteria. Previous studies have demonstrated the relative immobility of dredged material at the MBDS. Storms with the potential to cause sediment resuspension are rare in Massachusetts Bay.

(7) *Existence and effects of current and previous discharges and dumping in the area (including cumulative effects).*

Beginning in the early 1900s, the historic IWS was used for the disposal of industrial, chemical, medical, low-level radioactive, and other hazardous wastes, in addition to contaminated dredged material, construction debris, derelict vessels, etc. An Interim MBDS was designated in 1977 for the disposal of dredged material and it was closed in 1993, which is when the existing MBDS was designated. Studies and monitoring of the area have shown no significant impacts on water quality, sediment quality, or marine resources. More information regarding the effects of disposal in the area can be found in the *Draft Environmental Assessment on the Expansion of the Massachusetts Bay Ocean Dredged Material Disposal Site.* The berm-building disposal technique designed by USACE is intended to limit the resuspension of potentially contaminated seafloor sediment or hazardous materials in the area. Furthermore, placing dredged material generated during the USACE Boston Harbor maintenance and improvement projects on top of potentially contaminated materials dumped at the IWS in the past will isolate these potential contaminants under a protective layer of suitable sediments, consisting primarily of clay.

(8) *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean.*

Extensive shipping, fishing, recreational, and scientific research activities take place in Massachusetts Bay throughout the year. Dredged material disposal operations at the MBDS have not interfered with these activities and the temporary expansion of the MBDS would also not interfere with these activities. Due to the hazardous nature of material historically disposed in the IWS, a warning to fishermen against fishing and shellfishing in the area is already included on all nautical charts and the area is closed for the harvesting of ocean quahogs and surf clams. Therefore, disposal operations in the area would not interfere with any existing fishing activity.

(9) *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys.*

Monitoring at the disposal area has taken place since the late 1970s under the DAMOS program. Surveys at the MBDS have detected no significant differences in water quality or biological characteristics in the disposal site and adjacent reference areas. A Baseline Seafloor Assessment Survey for the Proposed Expansion of the MBDS was completed by the USACE in anticipation of this project and it is available on the USACE DAMOS site at *http://www.nae.usace.army.mil/Missions/Disposal-Area-Monitoring-System-DAMOS/.*

(10) *Potentiality for the development or recruitment of nuisance species in the disposal site.*

There are no known components of dredged material or consequences of its disposal that would attract or result in the recruitment or development of nuisance species at the expanded MBDS. Nuisance species have not been detected in any survey of the area.

(11) *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.*

There are two known shipwrecks within the boundaries of the existing MBDS: A Coast Guard vessel and a 55-foot fishing boat. Both were intentionally sunk in 1981 and are not considered to be historically significant. Additional shipwrecks have been revealed in the area during subsequent surveys, although there are no identified shipwrecks within the Potential Restoration Area. Disposal operations have avoided and will continue to avoid any shipwrecks in the project area by implementing a fifty-meter buffer around known shipwrecks within which no disposal will occur.

III. Environmental Statutory Review

A. National Environmental Policy Act (NEPA)

Section 102 of the National Environmental Policy Act of 1969, as amended (NEPA), 42 U.S.C. 4321 to 4370f, requires Federal agencies to prepare an Environmental Impact Statement (EIS) for major federal actions significantly affecting the quality of the human environment. NEPA does not apply to EPA designations of ocean disposal sites under the MPRSA because EPA's actions under the MPRSA are exempt from the procedural requirements of NEPA through the functional equivalence doctrine. Nevertheless, as a matter of policy, EPA undertakes a NEPA review for certain of its regulatory actions, including the designation of dredged material disposal sites under Section 102 of the MPRSA. The EPA's ''Notice of Policy and Procedures for Voluntary Preparation of NEPA Documents'' (Voluntary NEPA Policy), 63 FR 58045 (October 29, 1998), sets out both the policy and procedures the EPA uses when preparing such environmental review documents.

The EPA's primary voluntary NEPA document addressing the proposed temporary expansion of the MBDS is the *Draft Environmental Assessment on the Expansion of the Massachusetts Bay Ocean Dredged Material Disposal Site (ODMDS)* [September 2017] (Draft EA), prepared by EPA in cooperation with USACE. Anyone desiring a copy of the Draft EA may obtain one using the methods provided above in the Docket

section. The comment period for the Draft EA runs concurrently with the comment period for this Proposed Rule. The Draft EA provides the threshold environmental review for the temporary modification of the MBDS. Information from the Draft EA is used in the above discussion of the ocean dumping criteria.

The proposed action discussed in the Draft EA is the temporary modification of the MBDS. The purpose of this proposed action is to physically isolate potentially contaminated material dumped at the IWS in the past by placing suitable dredged material generated during the USACE's Boston Harbor maintenance and navigation projects. By covering much or all of the barrel field in and around the historic IWS, environmental conditions at the site will be improved.

USACE and EPA will continue to evaluate all federal dredged material disposal projects in the MBDS pursuant to the EPA criteria set forth in the Ocean Dumping Regulations (40 CFR 220–229) and the USACE regulations (33 CFR 209.129 and 335–338). After compliance with regulations is determined, USACE issues MPRSA permits to applicants for the transport of dredged material intended for disposal. Under Section 103(c) of the MPRSA, EPA can disapprove or add conditions to a project proposing the ocean disposal of dredged material if, in its judgement, the relevant regulatory criteria would not be met.

The following alternatives were considered, but eliminated from detailed evaluation, in the Draft EA:

1. Geographic Alternative 2: Expansion Into Historic IWS

This Geographic Alternative would have expanded the MBDS only to the legal boundaries of the historic IWS. The modified site would consist of two overlapping circles, both with a radius of 1 nmi centered at 42°25.1′ N., 70°35.0′ W. (MBDS) and 42°25.7′ N., 70°35.0′ W. (IWS). This Alternative would have increased the size of the MBDS from 3.14 nmi^2 to 4.13 nmi^2. The western boundary of the modified site would have been only 0.02 nmi from the SBNMS. It also would not have included a large portion of the barrel field located just north of its boundaries, leaving part of the Potential Restoration Area with its waste barrels and potentially contaminated sediment exposed on the seafloor. As a result, EPA rejected this alternative.

2. Temporal Alternative 2: Expansion for Three Years

This Temporal Alternative would have limited the expansion of the MBDS to a three-year period, opening with the publication of the Final Rule for the site modification and closing exactly three years later. The Boston Harbor Deep Draft Navigation Project is contingent on the availability of funding, various approvals, technical planning, weather, etc., making it difficult to estimate the duration of the project. This uncertainty could lead to delays in the maintenance and improvement dredging and cause the MBDS expansion to close before the dredging project is complete. This could leave a portion of the Potential Restoration Area uncovered. The remaining dredged material would be disposed in the existing MBDS instead of being used beneficially. For these reasons, EPA rejected this option.

3. Temporal Alternative 3: Permanent Expansion

This Temporal Alternative would permanently expand the boundaries of the MBDS. The dredged material from the Boston Harbor maintenance and navigation projects would be disposed in the expansion, covering the Potential Restoration Area. Once that disposal is complete, the expansion could be used in the future for dredged material generated in other projects. Careful planning to ensure dredged material is not disposed directly onto waste containers or potentially contaminated seafloor sediment is necessary. In order to limit this risk, it would be preferable to cease disposal in the expansion after the restoration project in the event that individual barrels remain exposed. In addition, EPA site selection criteria favor minimizing the size of disposal sites, in general. *See* 40 CFR 228.5(d). Therefore, once the potentially contaminated materials are covered, EPA favors changing MBDS site boundaries back to their earlier configuration.

4. No Action Alternative

Under the No Action Alternative, the dredged material generated during the Boston Harbor maintenance and improvement projects would not be used beneficially to cover the barrel field in and around the historic IWS. It would, instead, continue to be disposed in the existing MBDS in multiple mounds.

5. Preferred Alternative

The Preferred Geographic and Temporal Alternative would expand the boundaries of the MBDS for the entire duration of the Boston Harbor Deep Draft Navigation Project. This temporary expansion consists of two overlapping circles: 42°25.1′ N., 70°35.0′ W. with a 1 nautical mile radius (MBDS) and 42°26.417′ N., 70°35.373′ W. with a 0.75 nautical mile radius (expansion). This area contains the entirety of the Potential Restoration Area, which means that the barrel field can be covered. Keeping the expansion open only during the Boston Harbor maintenance and improvement projects ensures that all of the suitable dredged material can be used beneficially over the Potential Restoration Area and the area will not be subject to future disposal with the potential to disturb potentially contaminated areas outside the Potential Restoration Area. For these reasons, a site restriction is being put in place directing that the expansion only be used for the disposal of suitable dredged material from the Boston Harbor Deep Draft Navigation Project using the berm-building technique designed by the Corps and will automatically close upon the completion of that Project.

The Draft EA presents the information needed to evaluate the suitability of the proposed modification and is based on a series of disposal site environmental studies. The environmental studies and final designation were and are being conducted in accordance with the requirements of MPRSA, the Ocean Dumping Regulations, and other applicable Federal environmental legislation.

B. Magnuson-Stevens Fishery Conservation & Management Act (MSA)

EPA has integrated the EFH assessment into the Draft EA, pursuant to Section 305(b), 16 U.S.C. 1855(b)(2), of the Magnuson-Stevens Act, as amended (MSA), 16 U.S.C. 1801–1891d. EPA is coordinating with NMFS to ensure compliance with EFH provisions and will attempt to incorporate any conservation recommendations from NMFS.

C. Coastal Zone Management Act (CZMA)

EPA has determined that the proposed modification of the MBDS is consistent to the maximum extent practicable with the enforceable policies of the Massachusetts coastal management program and has submitted this determination to the State for review in accordance with the CZMA.

D. Endangered Species Act (ESA)

The Endangered Species Act, as amended (ESA), 16 U.S.C. 1531 to 1544, requires Federal agencies to consult with NMFS and the Fish & Wildlife

Service (FWS) to ensure that any action authorized, funded, or carried out by the Federal agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of any critical habitat. The EPA incorporated an assessment of the potential effects of temporarily modifying the MBDS on aquatic and wildlife species, including any species listed under the ESA, into the Draft EA, and EPA has submitted that document to NMFS and FWS. EPA concluded that the proposed action would not affect any threatened or endangered species, nor would it adversely modify any designated critical habitat. EPA is coordinating with NMFS and FWS to ensure compliance with the ESA.

E. National Historic Preservation Act (NHPA)

The National Historic Preservation Act, as amended (NHPA), 16 U.S.C. 470 to 470a–2, requires Federal agencies to take into account the effect of their actions on districts, sites, buildings, structures, or objects, included in, or eligible for inclusion in, the National Register of Historical Places. EPA is coordinating with the Massachusetts State Historic Preservation Officer (SHPO) to ensure compliance with NHPA.

IV. Statutory and Executive Order Reviews

This rulemaking proposes the modification of an ODMDS pursuant to Section 102 of the MPRSA. This proposed action complies with applicable Executive Orders and statutory provisions as follows:

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

This proposed action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 3, 1993) and is, therefore, not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This proposed site modification does not require persons to obtain, maintain, retain, report, or publically disclose information to or for a Federal agency.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires Federal agencies to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities (businesses, organizations, or jurisdictions). EPA has determined that this proposed action will not have a significant economic impact on small entities.

D. Unfunded Mandates Reform Act

This proposed action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act (UMRA) of 1995, 2 U.S.C. 1531 to 1538, for State, local, or tribal governments or the private sector. This action imposes no new enforceable duty on any State, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA. This action is also not subject to the requirements of section 203 of the UMRA because it contains no regulatory requirements that might significantly or uniquely affect small government entities. Those entities are already subject to existing permitting requirements for the disposal of dredged material in ocean waters.

E. Executive Order 13132: Federalism

This proposed action does not have federalism implications. It does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government, as specified in Executive Order 13132. Thus, Executive Order 13132 does not apply to this action. In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between the EPA and State and local governments, EPA has coordinated with, and specifically solicited comments from, State and local officials with regard to this proposed action.

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

This proposed action does not have tribal implications, as specified in Executive Order 13175. The modification of the MBDS will not have a direct effect on 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. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866 and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

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

This proposed action is not subject to Executive Order 13211 (66 FR 28355) because it is not a ''significant regulatory action'' as defined under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards that are developed or adopted by voluntary consensus bodies. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed action includes environmental monitoring and measurement as described in the MBDS SMMP. The EPA will not require the use of specific, prescribed analytic methods for monitoring and managing the MBDS. EPA plans to allow the use of any method, whether it constitutes a voluntary consensus standard or not, that meets the monitoring and measurement criteria discussed in the SMMP.

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

Executive Order 12898 (59 FR 7629) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their

mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. The EPA determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations. This action is expected to be protective of human health because the potential contaminants within the Potential Restoration Area will be isolated under a protective layer of sediment. This should help prevent any accidental recovery of barrels by fishermen and prevent contaminants from the historic disposal from entering the food web. The EPA has assessed the overall protectiveness of modifying the MBDS against the criteria established pursuant to the MPRSA to ensure that any adverse impact to the environment will be mitigated to the greatest extent practicable. Indeed, no adverse impacts are expected. The proposed action is expected to improve environmental conditions in Massachusetts Bay by enabling contaminated material dumped at the IWS in the past to be covered with suitable dredged material so as to isolate the former from the environment.

K. Executive Order 13158: Marine Protected Areas

Executive Order 13158 (65 FR 34909, May 31, 2000) requires EPA to ''expeditiously propose new science-based regulations, as necessary, to ensure appropriate levels of protection for the marine environment.'' EPA may take action to enhance or expand protection of existing marine protected areas and to establish or recommend, as appropriate, new marine protected areas. The purpose of the Executive Order is to protect the significant natural and cultural resources with the marine environment, which includes, ''those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands thereunder, over which the United States exercises jurisdiction, consistent with international law.''

EPA anticipates that the proposed action will afford additional protection to the waters of Massachusetts Bay and organisms that inhabit them. By covering the barrel field and surrounding seafloor sediment of the historic IWS, potential contaminants should be prevented from entering the water column or food web in Massachusetts Bay.

L. Executive Order 13547: Stewardship of the Ocean, Our Coasts, and the Great Lakes

Section 6(a)(i) of Executive Order 13547, (75 FR 43023, July 19, 2010) requires, among other things, EPA and certain other agencies ''. . . to the fullest extent consistent with applicable law [to] . . . take such action as necessary to implement the policy set forth in section 2 of this order and the stewardship principles and national priority objectives as set forth in the Final Recommendations and subsequent guidance from the Council.'' The policies in section 2 of Executive Order 13547 include, among other things, the following: ''. . . it is the policy of the United States to: (i) Protect, maintain, and restore the health and biological diversity of ocean, coastal, and Great Lakes ecosystems and resources; [and] (ii) improve the resiliency of ocean, coastal, and Great Lakes ecosystems, communities, and economies. . . . '' As with Executive Order 13158 (Marine Protected Areas), the overall purpose of the Executive Order is to promote protection of ocean and coastal environmental resources.

EPA anticipates that the proposed action will afford additional protection to the waters of Massachusetts Bay and organisms that inhabit them. By covering the barrel field and surrounding seafloor sediment of the historic IWS, potential contaminants should be prevented from entering the water column or food web in Massachusetts Bay.

M. Executive Order 13771 Reducing Regulation and Controlling Regulatory Costs

This proposed action would not be a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 3, 1993) and is, therefore, not subject to review under Executive Order 13771. *See OMB, ''Guidance Implementing Executive Order 13771, Titled ''Reducing Regulation and Controlling Regulatory Costs''* (M–17–21) (April 5, 2017), p. 3 (''An 'EO 13771 Regulatory Action' is: (i) A significant regulatory action as defined in section 3(f) of EO 12866 that has been finalized and that imposes total costs greater than zero . . . .'').

List of Subjects in 40 CFR Part 228

Environmental protection, Water pollution control.

Dated: September 6, 2017.

Deborah A. Szaro,

Acting Regional Administrator, EPA Region 1.

For the reasons stated in the preamble, title 40, Chapter I, of the *Code of Federal Regulations* is proposed to be amended as set forth below.

PART 228—CRITERIA FOR THE MANAGEMENT OF DISPOSAL SITES FOR OCEAN DUMPING

■ 1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

■ 2. Amend § 228.15 by revising paragraphs (b)(2)(i),)(ii), (iii), and (vi) to read as follows:

§ 228.15 Dumping sites designated on a final basis.

* * * * *

(b) * * *

(2) * * *

(i) *Location:* Two overlapping circles: Center of existing MBDS: 42°25.1′ N., 70°35.0′ W., 1 nautical mile radius; Center of temporary expansion: 42°26.417′ N., 70°35.373′ W., 0.75 nautical mile radius (NAD 1983).

(ii) *Size:* 4.60 sq. nautical miles.

(iii) *Depth:* Range from 70 to 91 meters.

* * * * *

(vi) *Restriction:* Disposal shall be limited to dredged material which meets the requirements of the MPRSA and its accompanying regulations. Disposal-and-capping is prohibited at the MBDS until its efficacy can be effectively demonstrated. The temporary expansion of the MBDS shall be used solely for the disposal of suitable dredged material generated during the Boston Harbor Deep Draft Navigation Project using the berm-building method devised and tested by the U.S. Army Corps of Engineers. The temporary expansion will automatically close upon completion of the Boston Harbor Deep Draft Navigation Project.

* * * * *

[FR Doc. 2017–20326 Filed 9–21–17; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 82, No. 183
Friday, September 22, 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

Agricultural Marketing Service

[No. AMS–LPS–17–0042]

Request for Approval of a New Information Collection for Beef Producers To Request for State To Retain a Portion of Assessments

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Agency's intent to request emergency approval from the Office of Management and Budget (OMB) for a new information collection for beef producers, where applicable, to provide prior affirmative consent authorizing a state Qualified State Beef Council (QSBC) to retain a portion of their assessments collected under the Beef Promotion and Research Act of 1985 (Act).

DATES: Comments must be received by November 21, 2017. Pursuant to the Paperwork Reduction Act, comments on the information collection burden that would result from this proposal must be received by November 21, 2017.

ADDRESSES: Interested persons are invited to submit comments concerning this notice by using the electronic process available at *www.regulations.gov.* Written comments may also be submitted to Research and Promotion Division; Livestock, Poultry, and Seed Program; AMS, USDA, Room 2608–S, STOP 0249; 1400 Independence Avenue SW, Washington, DC 20250–0249; or facsimile to (202) 720–1125. All comments should reference the docket number AMS–LPS–17–0042, the date of submission, and the page number of this issue of the **Federal Register**. All comments received will be posted without change, including any personal information provided at *www.regulations.gov* and will be included in the record and made available for public inspection at the above office during regular business hours.

FOR FURTHER INFORMATION CONTACT: Mike Dinkel, Research and Promotion Division, at (301) 352–7497; facsimile (202) 720–1125; or by email at *Michael.Dinkel@ams.usda.gov.*

SUPPLEMENTARY INFORMATION:

Overview of This Information Collection

Agency: AMS.

Title: Beef Research and Promotion Program: Producer Request for State to Retain Checkoff Assessment Form.

OMB Number: 0581–NEW.

Type of Request: New Information Collection.

Abstract: Congress has delegated the U.S. Department of Agriculture (USDA) the responsibility for implementing and overseeing the Beef Research and Promotion Program. The enabling legislation for the Beef Research and Promotion Program is the Act (7 U.S.C. 2901–2911).

On June 21, 2017, a U.S. District Court Judge in Montana granted a preliminary injunction enjoining USDA from continuing to allow the Montana Beef Council (MBC) to use the assessments that it is qualified to collect under the Beef Checkoff Program to fund advertising campaigns, unless a cattle producer provides prior affirmative consent authorizing MBC to retain a portion of the cattle producer's assessment. As a result of this preliminary injunction, MBC must begin forwarding all Beef Checkoff Program funds directly to the Cattlemen's Beef Promotion and Research Board (Beef Board), absent proof that a producer has provided advance affirmative consent authorizing MBC to retain a portion of that producer's assessment.

By law, all cattle producers, except organic producers, must pay $1-per-head assessment as required under the Act and the Beef Promotion and Research Order (Order). Importers of cattle, beef, and beef products pay an equivalent amount. Under the Act and Order, QSBCs are responsible for collecting monthly assessments.

Effective immediately as a result of the preliminary injunction, beef producers in Montana must provide prior affirmative consent to retain up to 50 cents of the $1 Federal assessment with MBC. Otherwise their full assessment will be forwarded to and retained by the Beef Board.

The Order and the regulation governing the Beef Research and Promotion Program authorize the Beef Board to collect and submit certain information as required. The information will be used by certain beef producers who seek to have their assessments remain in the state where a QSBC exists instead of being forwarded to the Beef Board.

AMS developed this form to effectively carry out the court order. At this time, one form would permit beef producers to retain a portion of the Federal assessment rather than remitting the full Federal assessment to the national program. The form AMS developed is LPS–2 Producer Request to Retain Beef Checkoff Assessment Form—the purpose of the form will be used by certain beef producers who request that a portion of their required Federal assessment be retained by the QSBC.

Upon Office of Management and Budget (OMB) approval of the new form LPS–2 and the information collection package, AMS will request OMB approval to merge the new form and this information collection in the currently approved information collection OMB control number 0581–0093.

Estimate of Burden for LPS–2: Public reporting burden for this collection of information is estimated to average 5 minutes per cattle producer.

Respondents: Beef producers in certain states.

Estimated Number of Respondents: 100.

Estimated Number of Responses per Respondent per Year: 1.

Estimated Total Annual Burden on Respondents: 8.30 hours.

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (2) the accuracy of the Agency's estimate of the burden 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 to be collected; and (4) ways to minimize the

burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques of other forms of information technology.

All responses to this document will be summarized and included in the request for OMB approval. All responses will become a matter of public record, including any personal information provided.

Dated: September 18, 2017.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2017–20184 Filed 9–21–17; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Forest Service, intends to grant to DVO, Inc. of Chilton, Wisconsin, an exclusive license to the Federal Government's rights in U.S. Patent No. 8,414,808, ''Composite Components from Anaerobic Digested Fibrous Materials'', issued on April 9, 2013.

DATES: Comments must be received on or before October 23, 2017.

ADDRESSES: Send comments to: Tom Moreland, Technology Transfer Coordinator, USDA Forest Service, 1400 Independence Avenue SW., Washington, DC 20250 Mail Stop 2CE–021.

FOR FURTHER INFORMATION CONTACT: Tom Moreland of the USDA Forest Service at the Washington, DC address given above; telephone: 443–677–6858; or email: *twmoreland@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The patent rights in this invention are co-owned by the United States of America, as represented by the Secretary of Agriculture, and DVO, Inc. of Chilton, Wisconsin. The prospective exclusive license will grant to the co-owner, DVO, Inc., an exclusive license to the Federal Government's patent rights. It is in the public interest to so license this invention as DVO, Inc. has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Forest Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Mojdeh Bahar,

Assistant Administrator.

[FR Doc. 2017–20180 Filed 9–21–17; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Rainier Seeds, Inc. of Davenport, Washington, an exclusive license to the variety of crested wheatgrass described in Plant Variety Protection Application Number 201600403, 'USDA–FORAGECREST,' filed on September 4, 2016.

DATES: Comments must be received on or before October 23, 2017.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Rm. 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: Brian T. Nakanishi of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's rights in this plant variety are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this plant variety as Rainier Seeds, Inc. of Davenport, Washington has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within thirty (30) days from the date of this published Notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Mojdeh Bahar,

Assistant Administrator.

[FR Doc. 2017–20175 Filed 9–21–17; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

September 19, 2017.

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

Comments regarding this information collection received by October 23, 2017 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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

Food and Nutrition Service

Title: Assessment of States' Use of Computer Matching Protocols in SNAP.

OMB Control Number: 0584–NEW.

Summary of Collection: This study is authorized under Section 3 of the

Improper Payments Information Act 2010 (31 U.S.C. 3301) Supplemental Nutrition Assistance Program: Disqualified Recipient Reporting and Computer Matching Requirements). State agencies are required to check for disqualified recipients in the Electronic Disqualified Recipient System, validate against a list of incarcerated people using the Social Security Administration's Prisoner Verification System, verify applicant employment data through the National Directory of New Hires and confirm an individual is not in the Social Security Administration's Death Master File. Additional program integrity tools and methods vary by State and can vary within States, particularly those that are decentralized and administer SNAP at the county level. Local offices may also conduct matches that vary from those used at the county or State level.

Need and Use of the Information: This study will help FNS update the nationwide inventory of State SNAP data-matching and improve SNAP computer-matching efforts across the nation to maximize efficiencies and minimize fraud and waste. State agencies administering SNAP use data matching to verify information submitted at the application and recertification stages of the application process and to monitor changes in benefit recipients' household circumstances. In order for USDA to make informed decisions, it is important to gather current information about how and to what extent SNAP agencies conduct computer data matching and systematically use that information to improve program integrity.

Description of Respondents: State, Local and Tribal Agencies.

Number of Respondents: 372.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 196.

Food and Nutrition Service

Title: Understanding the Anti-Fraud Measures of Large Supplemental Nutrition Assistance Program (SNAP) Retailers.

OMB Control Number: 0584–NEW.

Summary of Collection: This study is authorized under the Food and Nutrition Act of 2008 through the Agricultural Act of 2014 (Pub. L. 113–79). The United States Department of Agriculture (USDA) has the authority to ''undertake research that will help improve the administration and effectiveness of the supplemental nutrition assistance program in delivering nutrition-related benefits.'' This is a new collection for the purpose of learning about the types of Supplemental Nutrition Assistance Program (SNAP) related fraud activity observed by large retailers and the methods they use to prevent fraud and minimize their losses.

Need and Use of the Information: This study will help FNS learn more about the types of SNAP fraud that occur in large retailer settings; document retailer practices to detect, deter, and deal with fraud (collectively known as loss prevention or loss prevention practices); and determine which practices could provide information that would help FNS in detecting and preventing SNAP fraud.

Description of Respondents: Businesses-for-and-not-for-profit.

Number of Respondents: 2,045.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 2,851.40.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2017–20206 Filed 9–21–17; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS–2017–0038]

Use of Whole Genome Sequence Analysis To Improve Food Safety and Public Health

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notification of public meeting.

SUMMARY: The Food Safety and Inspection Service (FSIS), with participation from the Food and Drug Administration (FDA), the Centers for Disease Control and Prevention (CDC), the National Center for Biotechnology Information (NCBI), and other stakeholders is hosting a public meeting to discuss FSIS' and other agencies' practices and plans for collecting and analyzing whole genome sequence (WGS) data of bacteria isolated from official samples, as well as the state of the science and other issues surrounding this technology. WGS analyses can determine sequence relatedness between bacterial isolates with higher resolution than other analytical methods, including pulsed-field gel electrophoresis (PFGE), FSIS' current method of characterizing bacteria. In addition, WGS analyses can characterize genes and other features of bacterial genomes. Currently, FSIS, local, State, and Federal public health and regulatory partners submit WGS data to a Federal public database, readily accessible to Federal and state partners, and other stakeholders, including regulated industry and consumers. Using this common database, Federal food safety partners can share information and collaborate on issues related to food safety and public health. FSIS intends to analyze WGS data using thoroughly vetted and scientifically accepted procedures and standards, along with epidemiological information and industry production and distribution records on amenable product, to carry out its public health mission. Inclusion of WGS analyses in decision-making will enhance foodborne outbreak investigations, as well as general decisions related to the use of data from routine verification sampling of establishments under FSIS jurisdiction. Industry, interested individuals, organizations, and other stakeholders are invited to participate in the meeting and comment on FSIS approaches for using WGS data within a regulatory framework.

DATES: The public meeting will be held on Thursday and Friday, October 26 and 27, 2017 from 8:00 a.m. to 4:45 p.m. EST.

ADDRESSES: The meeting will be held at the Jefferson Auditorium in the South Building, U.S. Department of Agriculture (USDA), 1400 Independence Avenue SW., Washington, DC 20250. Attendance is free. Non-USDA employees must enter through the Wing 5 entrance on Independence Avenue. The South Building is a Federal facility and attendees should plan to take adequate time to pass through the security screening systems. Attendees must show a valid photo ID to enter the building. Attendees also must be pre-registered for the meeting and check in onsite the day of the meeting. See the pre-registration instructions under ''Registration and Meeting Materials.'' Only registered attendees will be permitted to enter the building.

FOR FURTHER INFORMATION CONTACT: Dr. Peter S. Evans, Office of Policy and Program Development, Risk Innovations and Management Staff; Telephone: (202) 690–6272; Fax: (202) 245–4793; Email: *peter.evans@fsis.usda.gov.*

Note that the same week as the WGS public meeting, on October 24 and 25, 2017, and also in the USDA Jefferson Auditorium, a separate interagency public meeting will be held by the National Antimicrobial Resistance Monitoring System collaborators. FDA will publish a **Federal Register** Notice to announce this meeting.

SUPPLEMENTARY INFORMATION:

I. Background

FSIS routinely samples meat, poultry and egg products, environmental surfaces in slaughter and processing establishments, and animal cecal contents for specific microorganisms. FSIS uses microbiological test results for a number of purposes: To verify the effective implementation of process controls and sanitation programs by industry; to help develop pathogen reduction standards for raw products and assess whether product meets those standards; and to support surveillance, including surveillance related to antimicrobial resistance, risk assessment and attribution studies. Sampling results may also be used to assign additional sampling or inspection resources to establishments or products with higher risk of causing harm to consumers. In addition to routine sampling, the Agency may collect samples for cause to investigate foodborne illnesses, outbreaks, consumer complaints and other non-routine events.

Due to the rapid advances in DNA sequencing technology, its superior resolution, significant reductions in per sample cost, and the potential for a single workflow to replace current laboratory subtyping methods, WGS analysis is now considered an important tool for routinely sub-typing and characterizing bacterial pathogens. Unlike PFGE and other DNA-based technologies, which rely on the analysis of arrangements of fragments or portions of a genome sequence without actually knowing each nucleotide in the sequence arrangement, WGS analyses use almost the entire genomic sequence, about 1 to 10 million base units for a typical bacterium. WGS provides robust estimates of sequence relatedness, based on the presence, absence, substitution and arrangement of individual nucleotides in the genomic sequences, thus permitting further characterization of individual genes and other interesting features of bacterial genomes.

In 2013, CDC, FDA, FSIS, and the NCBI collaborated with local, State, and international partners to implement a pilot study of WGS-based surveillance for *Listeria monocytogenes* (*Lm*).[1] For the pilot study, *Lm* isolates from patients, food, and domestic food processing environments were analyzed using WGS. The resulting analyses were routinely made available to CDC epidemiologists and other public health and regulatory partners. The availability of WGS analyses transformed outbreak surveillance and response: More illness clusters were detected (14 clusters detected in the year before the pilot versus 19 and 21 clusters detected in the two years after implementing WGS). In addition, illness clusters were detected sooner, median cluster size was markedly reduced, and more outbreaks were resolved by linking *Lm* illness and food sources. This pilot shows the specific improvements that can be gained using WGS, as compared to the use of PFGE analyses.

FSIS plans to expand its use of WGS analysis to bacteria isolated from FSIS sampling projects to aid in accurately identifying and responding to outbreaks, conducting efficient traceback, and studying the environmental harborage and movement of pathogens in regulated establishments. All WGS data will continue to be uploaded to a Federal database that is readily accessible to all food safety and public health partners and stakeholders, including consumers. Additionally, FSIS will analyze WGS data from FSIS samples and other food, environmental, and clinical samples contributed by other sources and organizations.

Additionally, FSIS has begun to analyze WGS data to identify specific genes associated with characteristics of public health concern. In collaboration with Federal partners, FSIS uses an antimicrobial resistance (AMR) gene database to identify genes associated with emerging resistance to beta-lactamase, colistin, linezolid and other critically important antibiotics. In partnership with the National Antimicrobial Resistance Monitoring System (NARMS), FSIS is searching for additional genes linked to AMR within the genomes of bacteria recovered from FSIS-regulated and other product samples. Notably, FSIS and the Agricultural Research Service reported WGS analyses of an *E. coli* from the cecal contents of swine which contained a recently discovered resistance gene to the antibiotic colistin.[2]

In summary, FSIS expects that the application of WGS analyses will enhance Agency resource allocation and decision-making. From our *Lm* WGS pilot experience, it is anticipated that the application of WGS analyses will lead to greater efficiencies, by consolidating laboratory workflows into a single step for bacterial characterization. In addition, FSIS and partners will use WGS in conjunction with epidemiologic and traceback evidence to identify the sources of outbreaks more expeditiously and to potentially prevent such events by putting in place preventive actions, informed by WGS analyses. Also, FSIS and other public health partners may identify genes associated with virulence, AMR, and other characteristics of concern, as well as newly emerging pathogen sub-types that were previously indistinguishable from routinely isolated bacteria.

With the increase in application of WGS, PFGE and other sub-typing methods are expected to be phased out by FSIS and its public health partners, and consequently it will be important to build WGS capacity to perform sequencing and develop analyses to adequately support the respective regulatory frameworks. To address this, FSIS, with speakers from FDA, CDC, NCBI, academic institutions and the domestic and international partners, is hosting a public meeting to discuss these concepts in greater detail. An agenda will be published online before the public meeting. General topics will include:

- WGS technology: The global and local perspective and advantages and limitations;
- Collaboration and data sharing among Federal and non-Federal entities;
- Information on the GenomeTrakr and PulseNet databases;
- International standards for WGS;
- Information on the equivalency of methods used by different agencies and stakeholders;
- Communicating WGS results to stakeholders; and
- Transitioning from PFGE to WGS in PulseNet.

II. Registration and Meeting Materials

There is no fee to register for the public meeting, but pre-registration is mandatory for participants attending in-person. On-site registration will not be permitted. Early registration is recommended as space is limited. All attendees must register online at *http://www.fsis.usda.gov/wps/portal/fsis/newsroom/meetings.* Attendees requiring a sign language interpreter or other special accommodations should notify Ms. Evelyn Arce via telephone: 202–418–8903 or email: *Evelyn.Arce@fsis.usda.gov.*

As stated above, FSIS will finalize an agenda on or before the meeting dates

[1] Jackson, B.R., Tarr, C., Strain, E., Jackson, K.A., Conrad, A., Carleton, H., . . . Gerner-Smidt, P. (2016). Implementation of Nationwide Real-Time Whole-Genome Sequencing to Enhance Listeriosis Outbreak Detection and Investigation. Clinical Infectious Diseases, Volume 63, Issue 3, 1 August 2016, Pages 380–386, *https://doi.org/10.1093/cid/ciw242.*

[2] Meinersmann, R.J., Ladely, S.R., Bono, J.L., Plumblee, J.R., Hall, M.C., Genzlinger, L.L., & Cook, K.L. (2016). Complete Genome Sequence of a Colistin Resistance Gene (mcr-1)-Bearing Isolate of Escherichia coli from the United States. Genome Announc, 4(6). *http://genomea.asm.org/content/4/6/e01283-16.full.*

and post it on the FSIS Web page at *http://www.fsis.usda.gov/meetings.*

III. Public Comments and Participation in Meetings

Public Comments: Oral Comments

Stakeholders will have an opportunity to provide oral comments during the public meeting. Due to the anticipated high level of interest in the opportunity to make public comments and the limited time available to do so, FSIS will do its best to accommodate all persons who wish to express an opinion. FSIS encourages persons and groups who have similar interests to consolidate their information for presentation by a single representative.

Public Comments: Written Comments

Any Stakeholder wishing to submit written comments prior to the meeting may do so, and may also submit comments after the meeting, using any of the following methods: Electronically—go to *http://www.regulations.gov* and follow the online instructions for submitting comments; Mail, including CD–ROMS—send to Docket Clerk, USDA, FSIS Docket Room, 1400 Independence Avenue SW., Patriots Plaza III, Mailstop 3782, Room 8–163A, Washington, DC 20250–3700; Hand- or courier-delivered items—deliver to the Docket Clerk, USDA, FSIS Docket Room at Patriots Plaza III, 355 E Street SW., Room 8–164, Washington, DC 20250, between 8:00 a.m. and 4:30 p.m., Monday through Friday.

All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2017–0038. Written comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to *http://www.regulations.gov.* For access to background documents or written comments received, go to the FSIS Docket Room at Patriots Plaza III, 355 E Street SW., Room 8–164, Washington, DC 20250, 8:30 a.m. and 4:30 p.m., Monday through Friday.

Question-and-Answer Periods: Time has been allotted for audience questions after most presentations delivered during the meeting. Participants will have the opportunity to ask questions via a microphone in the auditorium.

IV. Transcripts

The transcript of the proceedings from the public meeting will become part of the administrative record. As soon as the meeting transcripts are available they will be accessible on the FSIS Web site at *http://www.fsis.usda.gov/wps/portal/fsis/newsroom/meetings.* The transcripts may also be viewed at the FSIS Docket Room at the addressed listed above.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication online through the FSIS Web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Constituent Update is available on the FSIS Web page. Through the Web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination, any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at: *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW., Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

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

Done at Washington, DC, on: September 19, 2017.

Paul Kiecker,

Acting Administrator.

[FR Doc. 2017–20247 Filed 9–21–17; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request To Conduct a New Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 this notice announces the intention of the National Agricultural Statistics Service (NASS) to seek approval to conduct a new information collection to gather data related to the number of producers, acreage, number of vines, age of vines, etc. of wine grape varieties.

DATES: Comments on this notice must be received by November 21, 2017 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–NEW, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include docket number above in the subject line of the message.
- *E-fax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: R. Renee Picanso, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–4333. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance

Officer, at (202) 690–2388 or at *omboffi cer@nass.usda.gov.*

SUPPLEMENTARY INFORMATION:

Title: Wine Grape Inventory Surveys.

OMB Control Number: 0535–NEW.

Type of Request: Intent to seek approval to conduct a new information collection for a period of three years.

Abstract: The primary objective of the National Agricultural Statistics Service (NASS) is to collect, prepare and issue State and national estimates of crop and livestock production, prices, and disposition; as well as economic statistics, environmental statistics related to agriculture and also to conduct the Census of Agriculture. The Wine Grape Inventory survey program will collect information on number of producers, age of vines, acreage by wine grape variety, and number of vines by wine grape variety in select States. Limited production practice and pest issues will be collected in these surveys. The program will provide data needed by the State Departments of Agriculture, other government agencies, and producer groups to track the growth and production practice information of the wine grape industry. Producers, processors, other industry representatives, State Departments of Agriculture, and universities will also use forecasts and estimates provided by these surveys. All questionnaires included in this information collection will be voluntary.

Authority: These data will be collected under authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–113, 44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register**, Vol. 72, No. 115, June 15, 2007, p. 33362.

Estimate of Burden: Public reporting burden for this information collection is based on similar surveys with expected response time of 20 minutes. The estimated sample size will be approximately 1,200. The frequency of data collection for the different surveys is annual. Estimated number of responses per respondent is 1. Publicity materials and instruction sheets will account for approximately 5 minutes of additional burden per respondent. Respondents who refuse to complete a survey will be allotted 2 minutes of burden per attempt to collect the data.

Respondents: Producers of wine grapes.

Estimated Number of Respondents: 1,200.

Estimated Total Annual Burden on Respondents: 500 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, through the use of appropriate automated, electronic, mechanical, technological, or other forms of information technology collection methods.

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

Signed at Washington, DC, August 18, 2017.

R. Renee Picanso,

Associate Administrator.

[FR Doc. 2017–20179 Filed 9–21–17; 8:45 am]

BILLING CODE 3410–20–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Meeting Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Commission Telephonic Business Meeting.

DATES: Tuesday, September 26, 2017, at 1:00 p.m. EST.

ADDRESSES: Meeting to take place by telephone.

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

SUPPLEMENTARY INFORMATION: This meeting is open to the public by telephone only.

Participant Access Instructions

Listen-only, Toll Free: 800–967–7140; Conference ID: 9813037. Please dial in 5–10 minutes prior to the start time.

Meeting Agenda

I. Approval of Agenda

II. Program Planning

- Discussion and Vote on Report: Public Education Funding Inequality in an Era of Increasing Concentration of Poverty and Resegregation
- Discussion and Vote on Timeline, Discovery Plan, and Outline for the Commission's Fiscal Year (FY) 2018 Report on School Discipline
- Discussion and Vote on Revised Timeline for the Commission's Fiscal Year (FY) 2018 Report on Voting Rights

III. Adjourn Meeting

Dated: September 19, 2017.

Brian Walch,

Director, Communications and Public Engagement.

[FR Doc. 2017–20366 Filed 9–20–17; 11:15 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–560–828]

Certain Uncoated Paper From Indonesia: Notice of Correction to Rescission, in Part, of Antidumping Duty Administrative Review; 2015–2017

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

FOR FURTHER INFORMATION CONTACT: Manuel Rey, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5518.

SUPPLEMENTARY INFORMATION: On August 11, 2017, the Department of Commerce (the Department) published in the **Federal Register** a notice to rescind, in part, the antidumping duty administrative review for PT. Indah Kiat Pulp and Paper Tbk, PT. Pabrik Kertas Tjiwi Kimia Tbk, and Pindo Deli Pulp and Paper Mills (collectively, APP).[1] The period of review is August 26, 2015, through February 28, 2017. In the *Rescission Notice,* the Department inadvertently misspelled the name of one of the companies above as PT. Pabrik Kertas Tjiwi Kirnja Tbk, rather than the correct spelling of PT. Pabrik Kertas Tjiwi Kimia Tbk and erroneously included the letters ''PT'' in front of the company Pindo Deli Pulp and Paper

[1] *See Certain Uncoated Paper from Indonesia: Rescission, in Part, of Antidumping Duty Administrative Review; 2015–2017,* 82 FR 37565 (August 11, 2017) (*Rescission Notice*).

Mills in the summary section of the *Rescission Notice.* As a result, we now correct the *Recission Notice* to rescind the review with respect to PT. Indah Kiat Pulp and Paper Tbk, PT. Pabrik Kertas Tjiwi Kimia Tbk, and Pindo Deli Pulp and Paper Mills.

This correction to the notice of rescission is issued and published in accordance with sections 751 and 777(i)(1) of the Tariff Act of 1930, as amended.

Dated: September 19, 2017.

James Maeder,

Senior Director of Antidumping and Countervailing Operations Office 1, performing the duties of the Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2017–20266 Filed 9–21–17; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF704

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings and hearings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold its 127th Scientific and Statistical Committee (SSC) meeting, American Samoa Archipelago Fishery Ecosystem Plan Advisory Panel (AP), American Samoa Regional Ecosystem Advisory Committee (REAC), Executive and Budget Standing Committee, Pelagic and International Standing Committee and its 171st Council meeting to take actions on fishery management issues in the Western Pacific Region.

DATES: The meetings will be held between October 10 and October 19, 2017. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**. All times listed are local island times.

ADDRESSES: The 127th SSC will be held at the Aqua Kauai Beach Hotel, 4331 Kauai Beach Drive, Lihue, phone: (808) 245–1955. The AP and Executive and Budget Standing Committee Pelagic and International Standing Committee will be held at Sadie's by the Sea, Utulei Beach, Route 1, Pago Pago, American Samoa, phone: (684) 633–5900. The REAC, Pelagic and International Standing Committee, and 171st Council meeting will be held at Governor H. Rex Lee Auditorium (Fale Laumei), Utulei, American Samoa, phone: (684) 633–5155.

FOR FURTHER INFORMATION: Contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; phone: (808) 522–8220.

SUPPLEMENTARY INFORMATION: The 127th SSC meeting will be held between 8:30 a.m. and 5 p.m. on October 10–12, 2017. The AP will be held between 8:30 a.m. and 4:30 p.m. on October 14, 2017. The REAC will be held between 8:30 a.m. and 4 p.m. on October 16, 2017. The Executive and Budget Standing Committee will be held between 7:30 a.m. and 9 a.m. on October 17, 2017. The Pelagic and International Standing Committee will be held between 9:30 a.m. and noon on October 17, 2017. The 171st Council Meeting will be held on October 17, 2017 between 1 p.m. and 5 p.m. with a Public Hearing between 6 p.m. and 8 p.m.; on October 18, 2017 between 8:30 a.m. and 5 p.m. with a Fishers Forum between 6 p.m. and 9 p.m.; and on October 19, 2017 between 8:30 p.m. and 3 p.m.

Agenda items noted as ''Final Action Items'' refer to actions that result in Council transmittal of a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act. In addition to the agenda items listed here, the Council and its advisory bodies will hear recommendations from Council advisors. An opportunity to submit public comment will be provided throughout the agendas. The order in which agenda items are addressed may change and will be announced in advance at the Council meeting. The meetings will run as late as necessary to complete scheduled business. Background documents will be available from, and written comments should be sent to, Kitty M. Simonds, Executive Director; Western Pacific Fishery Management Council, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, phone: (808) 522–8220 or fax: (808) 522–8226.

Agenda for 127th SSC Meeting

Tuesday, October 10, 2017, 8:30 a.m. to 5 p.m.

1. Introductions
2. Approval of Draft Agenda and Assignment of Rapporteurs
3. Status of the 126th SSC Meeting Recommendations
4. Report from the Pacific Islands Fisheries Science Center (PIFSC) Director
5. Insular Fisheries
   - A. Alternatives for Aquaculture Management (Initial Action Item)
   - B. Main Hawaiian Islands Deep 7 Bottomfish Fishery
   - 1. Report on outcomes from the Bottomfish Commercial Fishery Data Workshops
   - 2. Report on relative abundance estimation from the 2016 bottomfish fishery-independent survey
   - C. Evaluating Management Unit Species in need of conservation and management in the American Samoa, Marianas, and Hawaii Fishery Ecosystem Plans
   - 1. Final Results of the Ecosystem Component Analysis
   - 2. Ecosystem Component Expert Working Group Report
   - 3. Options for Designating Management Unit Species Into Ecosystem Components (Initial Action Item)
   - D. Hawaii Coral Reef MUS Acceptable Biological Catch (ABC)
   - 1. SSC Working Group Report on the Best Scientific Information Available Evaluation for the 27 Hawaii Coral Reef Fish Species
   - 2. P* Working Group Report
   - 3. 2018 ABC Specification of Hawaii Coral Reef MUS (Final Action Item)
   - E. Precious Corals Management Issues
   - 1. Refining Precious Corals Essential Fish Habitat
   - 2. Gold Coral Moratorium (Initial Action Item)
   - F. Public Comment
   - G. SSC Discussion and Recommendations

Wednesday, October 11, 2017, 8:30 a.m. to 5 p.m.

Guest Speaker: Molly Lutcavage ''Tagging of pelagic species in Hawaii''

6. Pelagic Fisheries
   - A. Hawaii & American Samoa longline fisheries reports
   - B. American Samoa Large Vessel Prohibited Area (LVPA) (Initial Action Item)
   - C. American Samoa Longline Permit Modifications (Final Action Item)
   - D. Considerations for the Annual Limits on Sea Turtle Interactions in the Hawaii-based Shallow-set Longline Fishery (Initial Action Item)
   - E. International Fisheries
   - 1. Stock Assessments
   - a. WCPO Bigeye Tuna
   - b. WCPO Yellowfin Tuna
   - c. North Pacific Blue Shark

d. North Pacific Albacore
e. Southwest Pacific Swordfish
2. Inter-American Tropical Tuna Commission (IATTC) 92nd meeting
3. Western & Central Pacific Fisheries Commission (WCPFC)
a. Science Committee
b. Intersessional Meeting on Tropical Tuna Measure
c. Northern Committee
d. Technical and Compliance Committee
e. Permanent Advisory Committee issues
f. US Proposals for WCPFC 14th Regular Meeting
4. North Pacific Fisheries Commission (NFPC)
E. Public Comment
F. SSC Discussion and Action
7. Protected Species
A. Update on the 2017 Hawaiian Islands Cetacean and Ecosystem Assessment Survey
B. Updates on Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) Actions
C. Public Comment
D. SSC Discussion and Recommendations

Thursday, October 12, 2017, 8:30 a.m. to 5 p.m.

8. Other Business
A. 128th SSC Meeting
B. Update on Presidential Executive Orders on Monuments, Sanctuaries and Energy
C. Social Science Planning Committee Strategic Plan and Priorities
D. Updates on the status of the SSC plan
9. Summary of SSC Recommendations to the Council

Agenda for Advisory Panel Meeting

Saturday, October 14, 2017, 8:30 a.m. to 4:30 p.m.

1. Welcome and Introductions
2. Training on Climate and Fisheries
3. Review of American Samoa Fishery Ecosystem Plan Regulations
4. Additional AP Discussion on Council Action Items
A. American Samoa LVPA
B. American Samoa Longline Permit Modifications
C. Aquaculture Management
D. Ecosystem Component Options
5. Public Comment
6. Discussion and Recommendations
7. Other Business

Agenda for the Regional Ecosystem Advisory Committee Meeting

Monday, October 16, 2017, 8:30 a.m. to 4 p.m.

1. Welcome and Introductions
2. Essential Fish Habitat
A. Update on Habitat Program
B. EFH Levels of Information
C. Review of Non-Fishing Impacts to EFH
3. Action Items for the American Samoa FEP
A. Aquaculture Management
B. Gold Coral Moratorium
4. Public Comment
5. Other Business
6. REAC Discussion and Recommendations
7. Training on Climate and Fisheries

Agenda for Executive and Budget Standing Committee

Tuesday, October 17, 2017, 7:30 a.m. to 9 a.m.

1. Administrative Report
2. Financial Report
3. Meetings and Workshops
4. Council Family Changes
5. Other Issues
A. Election of Officers
6. Public Comment
7. Discussion and Recommendations

Agenda for the Pelagic and International Standing Committee

Tuesday, October 17, 2017, 9:30 a.m. to Noon

A. American Samoa Large Vessel Prohibited Area (Initial Action Item)
B. American Samoa Longline Permit Modifications (Final Action Item)
C. Considerations for the Annual Limits on Sea Turtle Interactions in the Hawaii-based Shallow-set Longline Fishery (Initial Action Item)
D. International Fisheries
1. IATTC
2. US Proposals for WCPFC 14
E. Advisory Group Report and Recommendations
1. Advisory Panel
2. American Samoa Regional Ecosystem Advisory Committee
3. Scientific & Statistical Committee
F. Public Comment
G. Council Discussion and Action

Agenda for 171st Council Meeting

Tuesday, October 17, 2017, 1 p.m. to 5 p.m.

1. Welcome and Introductions
2. Oath of Office
3. Approval of the 171st Agenda
4. Approval of the 170th Meeting Minutes
5. Executive Director's Report
6. Agency Reports
A. National Marine Fisheries Service
1. Pacific Islands Regional Office
a. Status of Monuments and Sanctuaries Review
b. Report on Executive Orders (EOs) 13771 and 13777 requiring Regulatory Reform
c. Report on Saltonstall-Kennedy 2018 Request for Proposals
2. Pacific Islands Fisheries Science Center
B. NOAA Office of General Counsel, Pacific Islands Section
C. U.S. State Department
D. U.S. Fish and Wildlife Service
1. Status of Monuments Review
E. Enforcement
1. U.S. Coast Guard
2. NOAA Office of Law Enforcement
3. NOAA Office of General Counsel, Enforcement Section
F. Public Comment
G. Council Discussion and Action
7. American Samoa Archipelago
A. Motu Lipoti
B. Fono Report
C. Enforcement Issues
D. Community Activities and Issues
1. Report on the Governor's Fisheries Task Force Initiatives
2. Fisheries Development
a. Update on SSBCI funding for Working Alia Vessels and Local Fishery Business Development Initiatives
3. Fisheries Disaster Relief
E. Education and Outreach Initiatives
F. Advisory Group Report and Recommendations
1. Advisory Panel
2. Regional Ecosystem Advisory Committee
3. Scientific & Statistical Committee
G. Public Comment
H. Council Discussion and Action

Tuesday, October 17, 2017, 6 p.m. to 8 p.m. Public Hearing

Agenda
Introductions
American Samoa Large Vessel Prohibited Area (Initial Action Item)
American Samoa Longline Permit Modifications (Final Action Item)
Public Discussion and Comments

Wednesday, October 18, 2017, 8:30 a.m. to 5 p.m.

8. Pelagic & International Fisheries
A. Hawaii & American Samoa Longline Fisheries Reports
B. American Samoa Large Vessel Prohibited Area (Initial Action Item)
C. American Samoa Longline Permit Modifications (Final Action Item)
D. Considerations for the Annual Limits on Sea Turtle Interactions in the Hawaii-based Shallow-set Longline Fishery (Initial Action Item)
E. International Fisheries

1. IATTC
2. WCPFC
a. Science Committee Meeting
b. Intersessional Meeting on Tropical Tuna Measures
c. Northern Committee Meeting
d. Technical and Compliance Committee Meeting
e. Permanent Advisory Committee Issues
f. U.S. Proposals for WCPFC 14
3. North Pacific Fisheries Commission Meeting
4. South Pacific Regional Fisheries Management Organization
F. Advisory Group Report and Recommendations
1. Advisory Panel
2. American Samoa Regional Ecosystem Advisory Committee
3. Scientific & Statistical Committee
G. Standing Committee Recommendations
H. Public Comment
I. Council Discussion and Action
9. Protected Species
A. Updates on Endangered Species Act
1. Turtles
2. Corals
3. Other Actions
B. Advisory Group Report and Recommendations
1. Advisory Panel
2. Scientific & Statistical Committee
C. Public Comment
D. Council Discussion and Action
10. Program Planning and Research
A. Alternatives for Aquaculture Management (Initial Action Item)
B. Options for Designating Management Unit Species Into Ecosystem Components (Initial Action Item)
C. Precious Corals Management Issues
1. Refining Precious Coral Essential Fish Habitat
2. Gold Coral Moratorium (Initial Action Item)
D. Territory Science Initiative Project Updates
E. Report on Coral Reef Regulation Review
F. Social Science Planning Committee Strategic Plan and Priorities
G. Report on the Climate Change Training Workshop
H. Regional, National and International Outreach & Education
I. Advisory Group Report and Recommendations
1. Advisory Panel
2. Regional Ecosystem Advisory Committee
3. Scientific & Statistical Committee
J. Standing Committee Recommendations
K. Public Comment
L. Council Discussion and Action
11. Hawaii Archipelago & PRIA
A. Moku Pepa
B. Legislative Report
C. Enforcement Issues
D. Fishing Year 2018 Annual Catch Limit Specification for the Main Hawaiian Island Coral Reef Fish (Final Action Item)
E. Education and Outreach Initiatives
F. Advisory Group Report and Recommendations
1. Advisory Panel
2. Scientific & Statistical Committee
G. Public Comment
H. Council Discussion and Action
12. Public Comment on Non-agenda Items

Wednesday, October 18, 2017, 6 p.m. to 9 p.m.

Fishers Forum—Fishing: Food. Life. Future.

Thursday, October 19, 2017, 8:30 a.m. to 3 p.m.

13. Mariana Archipelago
A. Guam
1. Isla Informe
2. Legislative Report
3. Enforcement Issues
4. Community Activities and Issues
a. Report on Indigenous Fishing Rights Initiatives
b. Report on Malesso CBMP
c. Report on the Yigo CBMP
5. Education and Outreach Initiatives
B. Commonwealth of Northern Mariana Islands
1. Arongol Falú
2. Legislative Report
3. Enforcement Issues
4. Community Activities and Issues
a. Report on Northern Islands CBMP
5. Education and Outreach Initiatives
C. Advisory Group Report and Recommendations
1. Advisory Panel
2. Scientific & Statistical Committee
D. Public Comment
E. Council Discussion and Action
13. Administrative Matters
A. Financial Reports
B. Administrative Reports
C. Council Family Changes
1. Education Committee
D. Meetings and Workshops
E. Other Business
F. Standing Committee Recommendations
G. Public Comment
H. Council Discussion and Action
14. Election of Officers
15. Other Business

Non-emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during its 171st meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522–8220 (voice) or (808) 522–8226 (fax), at least five days prior to the meeting date.

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

Dated: September 19, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–20280 Filed 9–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF705

Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold public meetings of the Council and its Committees.

DATES: The meetings will be held Tuesday, October 10, 2017 through Thursday, October 12, 2017. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The meeting will be held at: Hyatt Long Island East End, 451 East Main St., Riverhead, NY 11901, telephone: (631) 208–0002.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255. The Council's Web site, *www.mafmc.org* also has details on the meeting location, proposed agenda, webinar listen-in access, and briefing materials.

SUPPLEMENTARY INFORMATION: The following items are on the agenda, though agenda items may be addressed out of order (changes will be noted on the Council's Web site when possible.)

Tuesday, October 10, 2017

Executive Committee

Review 2017 and Proposed 2018 Implementation Plan; discuss recommendations on 2018 priorities.

Swearing In of New and Reappointed Council Members

Election of Officers

Surfclam and Ocean Quahog Goals and Objectives Workshop

Review results from Fisheries Forum project; review Fishery Management Action Team recommendations; identify and approve revised goals and objectives for public hearing document.

Golden Tilefish Individual Transferable Quota Program Review

Review and approve final report.

Regional Planning Body Ecologically Rich Areas Presentation

Wednesday, October 11, 2017

Lobster Standardized Bycatch Reporting Methodology Framework—Meeting 2

Final action on preferred alternatives

Spiny Dogfish Specifications

Review previously set specifications for 2018 and consider any modifications

Ecosystem Approach to Fisheries Management Risk Assessment

Finalize and adopt EAFM Based Risk Assessment.

Summer Flounder, Scup, and Black Sea Bass Commercial Accountability Measure Framework—Meeting 1

Review background, issues, and draft alternatives.

2018 Recreational Black Sea Bass Wave 1 Fishery

Consider a potential February 2018 opening of the recreational Wave 1 fishery.

Law Enforcement Reports

Reports will be received from the NOAA Office of Law Enforcement and the U.S. Coast Guard.

2019–23 Strategic Plan

Review plan for the development of the Strategic Plan.

Thursday, October 12, 2017

• Business Session Committee Reports; Executive Director's Report; Science Report; Organization Reports; and Liaison Reports.

• Continuing and New Business.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified 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

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: September 19, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–20238 Filed 9–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF678

Fisheries of the Exclusive Economic Zone off Alaska; Application for an Exempted Fishing Permit

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

ACTION: Notice; receipt of application for exempted fishing permit.

SUMMARY: This notice announces receipt of an exempted fishing permit (EFP) application from the Alaska Seafood Cooperative (AKSC). If granted, this EFP would allow non-pelagic trawl catcher/processor operators targeting groundfish in the Gulf of Alaska (GOA) and Bering Sea and Aleutian Islands (BSAI) to remove halibut from a trawl codend on the deck, and release those halibut back to the water in a timely manner to increase survivability. The proposed project would build on work conducted by the applicant under EFPs in 2009, 2012, and 2015 through 2017 to test methods for sorting halibut on deck of non-pelagic trawl catcher/processor vessels in the BSAI including methods to increase halibut survivability and ensure reliable catch accounting and personnel safety. The objective of the proposed project is to refine the few, remaining operational issues to yield robust methods which could be implemented to allow sorting of halibut on the deck of non-pelagic trawl vessels as a standard practice in the BSAI and GOA in the future. The specific objectives of the proposed project are to (1) continue the proven methods used in 2017 EFP operations in 2018 and 2019; (2) develop individual-vessel deck sorting safety protocols; (3) test methods for moving fish on deck to ensure a single flow of fish, which is essential for proper catch monitoring; and (4) expand the project to the GOA to standardize operations between the BSAI and GOA and evaluate the potential for increasing halibut survivability in the GOA. This experiment has the potential to promote the objectives of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act.

DATES: Comments on this EFP application must be submitted to NMFS on or before October 10, 2017. The North Pacific Fishery Management Council (Council) will consider the application at its meeting from October 2, 2017, through October 10, 2017, in Anchorage, AK.

ADDRESSES: The Council meeting will be held at the Hilton Hotel, 500 W 3rd Ave., Anchorage, AK 99501. The agenda for the Council meeting is available at *http://www.npfmc.org.* You may submit comments on this document, identified by NOAA–NMFS–2017–0112, by any of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0112,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

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. 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) 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).

Electronic copies of the EFP application and the basis for a categorical exclusion under the National Environmental Policy Act are available from the Alaska Region, NMFS Web site at *http://alaskafisheries.noaa.gov/.*

FOR FURTHER INFORMATION CONTACT: Brandee Gerke, 907–586–7650.

SUPPLEMENTARY INFORMATION: NMFS manages the domestic groundfish fisheries in the BSAI and GOA management areas under the Fishery Management Plan (FMP) for Groundfish of the BSAI and the FMP for Groundfish of the GOA, which the Council prepared under the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing the BSAI and GOA groundfish fisheries appear at 50 CFR parts 600 and 679. The FMPs and the implementing regulations at § 600.745(b) and § 679.6 allow the NMFS Regional Administrator to authorize, for limited experimental purposes, fishing that would otherwise be prohibited. Procedures for issuing EFPs are contained in the implementing regulations.

The IPHC and NMFS manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under the authority of the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention) and the Northern Pacific Halibut Act of 1982. The IPHC promulgates regulations pursuant to the Convention. The IPHC's regulations are subject to approval by the Secretary of State with concurrence from the Secretary of Commerce (Secretary).

Background

Regulations implemented by the IPHC allow Pacific halibut to be commercially harvested by the directed North Pacific longline fishery. Halibut is a prohibited species in the groundfish fishery, requiring immediate return to the sea with a minimum of injury. Halibut caught incidentally by non-pelagic trawl catcher/processors in the groundfish fisheries must be weighed on a NMFS-approved scale, sampled by observers, and returned to the ocean as soon as possible. The Council establishes annual maximum halibut bycatch allowances and seasonal apportionments adjusted by an estimated halibut discard mortality rate (DMR) for groundfish fisheries. The DMRs are based on the best information available, including information contained in the annual Stock Assessment and Fishery Evaluation report, available at *http://www.alaskafisheries.noaa.gov/.* NMFS approves the halibut DMRs developed and recommended by the IPHC and the Council for the BSAI groundfish fisheries for use in monitoring the halibut bycatch allowances and seasonal apportionments. The IPHC developed these DMRs for the BSAI groundfish fisheries using the 10-year mean DMRs for those fisheries.

Directed fishing in a groundfish fishery closes when the halibut mortality apportionment for the fishery is reached, even if the target species catch is less than the seasonal or annual quota for the directed fishery. In the case of the Bering Sea flatfish fishery, seasons have been closed before fishery quotas have been reached to prevent the fishery from exceeding the halibut mortality apportionment.

With the implementation of Amendment 80 to the FMP on September 14, 2007 (72 FR 52668), halibut mortality apportionments were established for the Amendment 80 sector and for Amendment 80 cooperatives. Amendment 80 is a catch share program that allocates several BSAI non-pollock trawl groundfish fisheries (including the flatfish fishery) among fishing sectors, and facilitates the formation of harvesting cooperatives in the non-American Fisheries Act trawl catcher/processor sector. Though halibut mortality apportionments provide Amendment 80 cooperatives more flexibility to use available mortality, halibut mortality continues to constrain fishing in some Amendment 80 fisheries. Therefore, this sector is actively exploring ways to continue to reduce halibut mortality.

The Amendment 80 sector may also harvest groundfish in the GOA. The Amendment 80 sector does not receive fishery allocations in the GOA and the amount of each groundfish species that may be caught by the cooperative in the GOA is limited to the sideboard amounts specified in Table 27 of the 2018 GOA Groundfish Harvest Specifications. The Amendment 80 sector is subject to halibut PSC limits established for that sector in the GOA. The Amendment 80 sector GOA halibut PSC limits for 2018 are provided in Table 28 of the GOA Groundfish Harvest Specifications. The 2018 GOA Groundfish Harvest Specifications are available at: *https://alaskafisheries.noaa.gov/harvest-specifications/field_harvest_spec_year/2017-2018-841.*

Before incidentally caught halibut are returned to the sea, at-sea observers must estimate halibut and groundfish catch amounts. Regulations in 50 CFR part 679 assure that observer estimates of halibut and groundfish catch are credible and accurate, and that potential bias is minimized. For example, NMFS requires sector fishing vessels to make all catch available for sampling by an observer; prohibits vessel crew from tampering with observer samples; prohibits vessel crew from removing halibut from a codend, bin, or conveyance system prior to being observed and counted by an at-sea observer; and prohibits fish (including halibut) from remaining on deck unless an observer is present.

In 2009 and 2012, halibut mortality experiments were conducted by members of the Amendment 80 sector under EFP 09–02 (74 FR 12113, March 23, 2009) and EFP 12–01 (76 FR 70972, November 16, 2011). By regulation, all catch including halibut is moved across a flow scale below deck before the halibut is returned to the sea. Halibut mortality increases with increased handling and time out of water. Under the 2009 and 2012 EFPs, experimental methods for sorting catch on a vessel's deck allowed halibut to be returned to the sea in less time, with less handling relative to halibut routed below deck and over the flow scale. The halibut mortality during flatfish fishing under the 2009 and 2012 EFPs was estimated to be approximately 17 metric tons (mt) and 10.8 mt, respectively, less than the amounts estimated from the DMR for this fishery. The reduced halibut mortality under the 2009 and 2012 EFPs is attributed to the improved condition of halibut through reduced handling and time out of water.

In 2015, test fishing under EFP 2015–02 (80 FR 3222, January 22, 2015) expanded on results of the 2009 and 2012 EFPs to explore the feasibility of deck sorting halibut in additional fisheries, on more vessels, and during a longer interval of time during the fishing season. The primary objective was to reduce halibut mortality in the Amendment 80 groundfish fisheries in 2015. Fishing under the EFP began in May and continued through November. The most prominent result from the 2015 EFP was that substantial halibut mortality savings were achieved from deck sorting on BSAI non-pelagic trawl catcher/processor vessels. The preliminary estimate of halibut savings under the 2015 EFP is 131 mt. For the nine vessels that participated in the 2015 EFP, all but one achieved mortality

rates in the range of 41 percent to 53 percent, compared to the standard mortality rate of 80 percent in the Bering Sea flatfish fisheries without deck sorting (average across target fisheries of interest for the 2015 EFP).

EFP 2016–01 (81 FR 4018, January 25, 2016) was issued on May 6, 2016 with an effective period through April 30, 2017. EFP 2016–01 expanded on the prior EFPs and expanded test fishing with the deck sorting methods to non-pelagic trawl catcher/processors participating in trawl limited access and community development quota (CDQ) fisheries in addition to the Amendment 80 vessels. Test fishing under EFP 2016–01 from May through November 2016 resulted in more participating vessels over more fisheries and yielded greater halibut savings relative to prior years. In 2016, twelve catcher/processor vessels participated in test fishing under EFP 2016–01. In prior deck sorting EFPs, test fishing primarily occurred in the flathead sole and arrowtooth flounder fisheries. In 2016, test fishing expanded to fisheries for yellowfin sole, Pacific cod, Pacific ocean perch, and Atka mackerel to a much larger extent than in prior years. Halibut mortality is estimated to have been reduced by 288 mt through deck sorting in 2016 under EFP 2016–01.

EFP 2016–01 was modified on January 10, 2017 to allow vessel operators the option of carrying two or three observers per trip, depending on the needs of the vessel. EFP 2016–01 originally required the vessel to carry three observers. EFP fishing in 2016 demonstrated that two observers could sufficiently collect the requisite data for EFP hauls. Under modified EFP 2016–01 vessel operators may opt to carry more than two observers to maintain the pace at which fish are run through the factory while halibut are being sorted and sampled by an observer on deck or they may carry two observers with the condition that fish may not be run into the factory while the observer is on deck sampling the sorted halibut. Additional modifications to EFP 2016–01 included (a) changes in observer sampling methods designed to increase consistency of observer sampling for the EFP with other, routine observer sampling in the fisheries; (b) changes to the persons named on the EFP as designated representatives; and (c) the addition of new vessels to the EFP. On February 17, 2017, NMFS renewed modified EFP 2016–01 to be effective through December 31, 2017 (82 FR 5539, January 18, 2017). Results from the 2017 EFP are not yet available.

Proposed Action

On August 29, 2017, the AKSC, an Amendment 80 cooperative, submitted an application for an EFP for 2018 and 2019 to build on the information collected in prior deck sorting EFPs and further reduce halibut mortality in the Amendment 80, CDQ, and trawl limited access sectors. The objectives of the proposed EFP for 2018 and 2019 are to test modifications to the procedures and approaches in the 2016 and 2017 EFP that (1) move substantively towards implementation of deck sorting as an allowable fish handling mode for the non-pelagic catcher/processor trawl fisheries in the BSAI and GOA; and (2) improve on elements that worked in prior deck sorting EFPs. Consistent with 2016 and 2017 methods, the EFP would allow crew on board catcher/processors to sort halibut removed from a codend on the deck of the vessel. Those sorted halibut could be released back to the water after the halibut are measured by the observer for length and tested for physical condition using standard IPHC viability assessment methods.

The applicants propose to test several new aspects that would inform a future, operationalized deck sorting process in Federal regulations:

(1) Expand deck sorting methods to non-pelagic trawl catcher/processor vessels in the GOA;

(2) Require vessel-specific deck sorting safety plans that detail how safe working conditions for observers are incorporated into deck sorting operations on each participating vessel;

(3) Establish a time limit for deck sorting of 35 minutes per haul (because the application does not state who would run the timer, this detail would have to be resolved in the permit, should a permit be granted);

(4) Standardize chutes used to move fish on deck so only one flow of fish is used to move halibut to the observer;

(5) Make optional, the census of halibut in the factory and transfer the responsibility for conducting the census from the observer to the vessel crew.

The applicant proposes to begin EFP fishing in January 2018 and end on December 31, 2019. The EFP would allow halibut to be sorted, sampled, and released prior to being weighed on a flow scale, to achieve the experimental objectives and reduce halibut mortality. This EFP application requests an amount of halibut PSC mortality for vessels engaged in experimental fishing not to exceed the 2018 halibut PSC mortality apportionments set out in Table 14 of the Final 2017 and 2018 BSAI Harvest Specifications (available at *https://alaskafisheries.noaa.gov/sites/default/files/17_18bsaitable14.pdf*); and Table 14 and Table 15 of the Final 2017 and 2018 GOA Harvest Specifications (available at *https://alaskafisheries.noaa.gov/sites/default/files/17_18goatable14.pdf* and *https://alaskafisheries.noaa.gov/sites/default/files/17_18goatable15.pdf*). Participants request no additional groundfish or halibut quota as part of this EFP application, and all groundfish catch will accrue against the appropriate Amendment 80, CDQ, or trawl limited access sector catch and PSC allowances.

Participating vessels would procure and use NMFS-trained at-sea observers during EFP trips. Observers would perform all of their duties on work shifts not exceed 12 hours per observer.

Identical to methods in 2016 and 2017, observers would be able to enter and extrapolate data via the NMFS Catch Accounting System so PSC usage by EFP participants would be reported and tracked in near real-time along with non-EFP participants' usage and would accrue against the cooperative's halibut PSC mortality apportionments. If the halibut mortality apportionment is reached, the EFP permit holder would notify NMFS and end EFP fishing. As required by existing regulations, Amendment 80 fishing will also cease when the annual halibut mortality apportionment is reached.

Also identical to methods in 2016 and 2017, halibut that are not sorted on deck would flow to the factory and be available to the observer for sampling. The on-duty observer would collect species composition samples per standard protocols to estimate the proportion of halibut in the haul relative to other species. The proportion of halibut estimated to be in the haul would be extrapolated to the total haul catch weight to estimate the total amount of halibut not sorted on deck. A mortality rate of 90 percent would be applied to the amount of halibut in the factory to estimate the halibut mortality from the factory. The resulting factory halibut mortality amount would be combined with the amount of halibut mortality estimated in the deck-sorted portion of the haul to estimate the total halibut mortality for each EFP haul.

The following example is provided as an illustration for how total halibut mortality would be calculated for a haul under the 2016 EFP. Assume a vessel catches 400 kilograms (kg) of halibut in one haul. Assume 92 percent of the halibut is removed on deck and the vessel achieves a halibut discard mortality of 50 percent by releasing these fish from deck. In this example, the amount of halibut mortality on deck is 184 kg. A halibut mortality of 90

percent is applied to the 32 kg of halibut that are sampled in the factory, resulting in a halibut mortality of 28.8 kg in the factory. In this example, the total halibut mortality for the haul is 212.8 kg.

The halibut mortality data collected by observers would be available to NMFS in near-real time for inseason management in 2018 and 2019. In addition to the observer samples, under the 2018 EFP, at the discretion of the vessel operator, vessel crew could conduct a census (a full count) of halibut in the factory, after they have been available to the observer for sampling, to compare observer estimates of total halibut and census results.

In 2018, EFP participants would continue to operate under a single catch handling and accounting method for all hauls on a fishing trip designated as an EFP trip. Operators of participating vessels would still have a way to opt out of sorting on deck when it is potentially unsafe or when the vessel has located a fishing area where halibut bycatch is very low.

This proposed action would exempt participating catcher/processors from selected 50 CFR part 679 prohibitions, and monitoring and observer requirements. Should the Regional Administrator issue a permit based on this EFP application, the conditions of the permit will be designed to minimize halibut mortality and any potential for biasing estimates of groundfish and halibut mortality. Vessels participating in EFP fishing may be exempt from, at minimum, the following regulations:

1. The prohibition against interfering with or biasing the sampling procedure employed by an observer including physical, mechanical, or other sorting or discarding of catch before sampling, at § 679.7(g)(2);

2. the requirements to weigh all catch by an Amendment 80 vessel on a NMFS-approved scale at § 679.93(c)(1) and by all vessels at § 679.28(b); and

3. the requirement to return all prohibited species, or parts thereof, to the sea immediately, with a minimum of injury, regardless of its condition at § 679.21(b)(2)(ii).

In 2020, the AKSC would be required to submit to NMFS a report of the EFP results after EFP experimental fishing has ended in 2019. The report would include a comparison of halibut mortality from halibut sampled during the EFP and an estimate of halibut mortality under standard IPHC halibut mortality rates for those target fisheries.

Under the EFP, participants would be limited to their groundfish allocations under the 2016 harvest specifications. The amount of halibut mortality applied to the EFP activities would be subject to review and approval by NMFS.

This EFP would be valid upon issuance in 2018 until either the end of 2019 or when the annual halibut mortality apportionment is reached in areas of the BSAI and GOA open to directed fishing by the various sectors. EFP-authorized fishing activities would not be expected to change the nature or duration of the groundfish fishery, gear used, or the amount or species of fish caught by the participants.

The fieldwork that would be conducted under this EFP is not expected to have a significant impact on the human environment as detailed in the categorical exclusion prepared for this action (see **ADDRESSES**).

In accordance with § 679.6, NMFS has determined that the application warrants further consideration and has forwarded the application to the Council to initiate consultation. The Council is scheduled to consider the EFP application during its October 2017 meeting, which will be held at the Hilton Hotel, Anchorage AK. The EFP application will also be provided to the Council's Scientific and Statistical Committee for review at the October Council meeting. The applicant has been invited to appear in support of the application.

Public Comments

Interested persons may comment on the application at the February 2016 Council meeting during public testimony or until October 10, 2017. Information regarding the meeting is available at the Council's Web site at *http://www.npfmc.org.* Copies of the application and categorical exclusion are available for review from NMFS (see **ADDRESSES**). Comments also may be submitted directly to NMFS (see **ADDRESSES**) by the end of the comment period (see **DATES**).

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

Dated: September 18, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–20187 Filed 9–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF698

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 Scientific & Statistical 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, October 12, 2017 beginning at 10 a.m.

ADDRESSES:

Meeting address: The meeting will be held at the Hilton Garden Inn, Boston Logan, 100 Boardman Street, Boston, MA 02128; phone: (617) 567–6789.

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 Committee will review information provided by the Council's Scallop Plan Development Team (PDT) and recommend the overfishing levels (OFLs) and acceptable biological catches (ABCs) for Atlantic sea scallops for fishing years 2018–19 (default). They will also review information provided by the Council's Whiting PDT and recommend the OFLs and ABCs for the northern and southern stocks of silver hake and separately for red hake for fishing years 2018–20. Other business will be discussed as needed.

Although non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council 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. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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.

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

Dated: September 19, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–20236 Filed 9–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF703

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 a public meeting of the South Atlantic Fishery Management Council's (Council) Information & Education Advisory Panel (AP).

SUMMARY: The Council's Information and Education AP will meet to address outreach efforts and communication needs. See **SUPPLEMENTARY INFORMATION**.

DATES: The Information and Education AP meeting will be held Tuesday, October 10, 2017, from 1:30 p.m. until 5 p.m. and from 9 a.m. until 12 p.m. on Wednesday, October 11, 2017.

ADDRESSES:

Meeting address: The meeting will be held at the Hilton Garden, 5265 International Boulevard, North Charleston, SC 29418.

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; phone 843/571–4366 or toll free 866/SAFMC–10; FAX 843/769–4520; email*: kim.iverson@safmc.net.*

SUPPLEMENTARY INFORMATION: The Information and Education AP will review and provide recommendations on the Council's transition to a new fishing regulations mobile application and the development of the Council's online Fishermen's Forum. The AP will also receive presentations and have the opportunity to provide recommendations on the Council's recreational reporting projects, specifically the MyFishCount Recreational Reporting Project, the For-Hire Electronic Reporting Outreach Project, and the use of iAngler for possible recreational reporting opportunities. Additionally, the AP will receive program updates from the Council's Citizen Science Program and the Marine Resource Education Program.

Although other non-emergency issues not on the agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Actions 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 Fishery Conservation and Management 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 accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 5 business 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: September 19, 2017.

Tracey L. Thompson,

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

[FR Doc. 2017–20237 Filed 9–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF681

Fisheries of the Exclusive Economic Zone off Alaska; Application for an Exempted Fishing Permit

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

ACTION: Notice; receipt of application for exempted fishing permit.

SUMMARY: This notice announces receipt of an exempted fishing permit (EFP) application from the International Halibut Commission (IPHC). If granted, this EFP would allow crew members on a selected hook-and-line vessel targeting Pacific cod in the western Aleutian Islands in winter to collect biological samples from incidentally caught halibut and release those fish back to the water in a timely manner to increase survivability. Biological samples collected would include a fork length measurement and a small tissue sample from the caudal fin for genetic analysis. A NMFS-trained fishery observer would assign a viability category for each sampled halibut as per existing IPHC/NMFS protocols. The objective of the EFP application is to confirm or reject results of a previous genetic stock structure study which indicated that Pacific halibut in the western Aleutian Islands are genetically distinct from the remainder of the eastern Pacific population. This experiment has the potential to promote the objectives of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act.

DATES: Comments on this EFP application must be submitted to NMFS on or before October 10, 2017. The North Pacific Fishery Management Council (Council) will consider the application at its meeting from October 2, 2017, through October 10, 2017, in Anchorage, AK.

ADDRESSES: The Council meeting will be held at the Anchorage Hilton Hotel, 500 W 3rd Ave, Anchorage, AK 99501. The agenda for the Council meeting is available at *http://www.npfmc.org.* You may submit comments on this document, identified by NOAA–NMFS–2017–0114, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0114,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Glenn Merrill, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region NMFS, Attn: Ellen Sebastian. Mail comments to P.O. Box 21668, Juneau, AK 99802–1668.

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. 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) 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).

Electronic copies of the EFP application and the basis for a categorical exclusion under the National Environmental Policy Act are available from the Alaska Region, NMFS Web site at *http://alaskafisheries.noaa.gov/.*

FOR FURTHER INFORMATION CONTACT: Brandee Gerke, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the domestic groundfish fisheries in the Bering Sea and Aleutian Islands management area (BSAI) under the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP), which the Council prepared under the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing the BSAI groundfish fisheries appear at 50 CFR parts 600 and 679. The FMP and the implementing regulations at § 600.745(b) and § 679.6 allow the NMFS Regional Administrator to authorize, for limited experimental purposes, fishing that would otherwise be prohibited. Procedures for issuing EFPs are contained in the implementing regulations.

The IPHC and NMFS manage fishing for Pacific halibut (*Hippoglossus stenolepis*) through regulations established under the authority of the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention) and the Northern Pacific Halibut Act of 1982. The IPHC promulgates regulations pursuant to the Convention. The IPHC's regulations are subject to approval by the Secretary of State with concurrence from the Secretary of Commerce (Secretary).

Background

The International Pacific Halibut Commission (IPHC) has a long history of studying population structure in Pacific halibut, including a population genetics research program that was initiated in the late 1990s. Population genetics research is conducted to resolve stock components from one another and to identify barriers to gene flow that may (1) Limit the mixing of halibut among regions, (2) Warrant different halibut fishery management actions or strategies among regions, or (3) Suggest changes in the spatial structure of the numerical halibut stock assessment model. In 2016, a population genetic analysis was completed (Drinan *et al.,* 2016 *Journal of Fish Biology* 89:2571–2594) using halibut tissue samples that had been collected from 10 sampling locations across the eastern Pacific Ocean: From British Columbia in the south; to Pribilof Canyon in the north; and westward into the Aleutian Islands region at Adak Island, Petrel Bank, and Attu Island. The Drinan *et al.* (2016) analysis is the most extensive population genetic analysis of the eastern Pacific halibut stock to-date. The results suggest that significant stock structure exists within the managed range; in particular, that halibut residing in the western Aleutian Islands are genetically distinct from the remainder of the eastern Pacific population. Of greatest potential importance to management is the implication that a boundary of significant stock segregation may bisect a single IPHC regulatory area: *i.e.,* Area 4B, with significantly different population components residing on either side of Amchitka Pass.

However, these results may be called into question due to a weakness in the underlying sampling design: Whereas the majority of study locations were surveyed in mid-winter, Attu Island and Petrel Bank (*i.e.,* the two sites found to be genetically distinct) were sampled during the IPHC's summer setline survey. Ultimately, genetic population structure is established via the formation and maintenance of spatially segregated spawning populations. In the case of Pacific halibut, spawning occurs in midwinter following the migration of the spawning stock from its summer feeding grounds to potentially distant spawning grounds. As such, summer-collected samples from any given location may be composed of individuals from multiple spawning groups that co-mingle on common feeding grounds. Although it is highly unlikely that such a process could result in the generation of spuriously significant genetic stock structure where none exists, best practices mandate that the results be re-tested using samples from the western Aleutian Islands that are collected during the winter spawning period.

The Aleutian Islands winter hook-and-line fishery for Pacific cod provides a platform of opportunity to collect Pacific halibut length data and accompanying tissue samples from the western Aleutian Islands. Small numbers of halibut are caught as bycatch incidental to the Aleutian Islands Pacific cod hook-and-line fishery which would allow for the collection of biological samples that meet requirements of a supplementary genetic analysis to confirm or reject the results from the previous study.

Proposed Action

On August 31, 2017, the IPHC submitted an application for an EFP for 2018 to collect biological samples from incidentally caught halibut on a select hook-and-line vessel targeting Pacific cod in the western Aleutian Islands in winter and release those fish back to the water in a timely manner to increase survivability. The objective of the proposed 2018 EFP is to provide samples for genetic analyses that would be expected to confirm or reject conclusions about Pacific halibut spawning stock structure in the western Aleutian Islands inferred by data collected in summer by sampling during the winter halibut spawning period. This project would allow crew to collect biological samples of incidentally caught halibut and return the fish to sea, alive.

The EFP would allow crew on board the selected vessel to measure fork length of approximately 20 to 30 incidentally caught halibut and collect a small tissue sample from the caudal fin of each sampled fish. Sampled halibut would be released back to the water after a NMFS-trained fishery observer conducted a viability assessment for each sampled halibut using existing IPHC protocols.

The applicant proposes to conduct sampling on a single vessel in the hook-and-line catcher/processor sector during the ''A'' season fishery for Pacific cod between January 1, 2018 and March 31, 2018 west of 180° W longitude (*i.e.,* in NMFS Statistical Areas 542 and 543). The participating vessel would be selected on a voluntary basis and would carry a NMFS-trained fishery observer as required by regulation.

The applicant's proposed sampling protocol would consist of: (a) Bringing an incidentally-caught halibut aboard the vessel to be sampled; (b) releasing the halibut from the hook using an approved Careful Release technique (*i.e.,* either by hook twisting or cutting the gangion near the hook); (c) measuring and recording the halibut's forklength; (d) collecting a small (approximately one-quarter inch) tissue sample from the caudal fin; (e) assigning the halibut to a viability category as per existing IPHC/NMFS protocols; and (f)

returning the halibut to the water without further delay.

All stages of the sampling process with the exception of (e), above, would be conducted by a member of the fishing vessel's crew. Viability assignments would be conducted by the NMFS-trained fishery observer on the vessel. The sampling process is expected to require less than 2 minutes and have no impact on the probability of survival of the sampled fish. The sampling protocol outlined above is quicker and less obtrusive than any of the protocols used by the IPHC for halibut tag-and-release that have been shown to yield excellent survival of the handled individuals.

Halibut is a prohibited species in the groundfish fishery, requiring immediate return to the sea with a minimum of injury. This proposed action would exempt the participating vessel from the requirement to return all prohibited species, or parts thereof, to the sea immediately, with a minimum of injury, regardless of its condition at § 679.21(b)(2)(ii). Under the EFP, the participating vessel would be limited to its groundfish allocations under the 2018 harvest specifications. No additional target or prohibited species catch (PSC) amounts beyond those authorized through regulation would be needed for this EFP; all groundfish catch will accrue against the Pacific cod sector's catch and PSC allowances. EFP-authorized fishing activities would not be expected to change the nature or duration of the Pacific cod hook-and-line fishery or the amount or species of fish caught by the participating vessel.

In 2018, the IPHC would be required to submit to NMFS a report of the EFP results after EFP experimental fishing has ended in 2018. The report would include: The number of halibut sampled and their recorded lengths.

The fieldwork that would be conducted under this EFP is not expected to have a significant impact on the human environment as detailed in the categorical exclusion prepared for this action (see **ADDRESSES**).

In accordance with § 679.6, NMFS has determined that the application warrants further consideration and has forwarded the application to the Council to initiate consultation. The Council is scheduled to consider the EFP application during its October 2017 meeting, which will be held in Anchorage, AK. The EFP application will also be provided to the Council's Scientific and Statistical Committee for review at the October Council meeting. The applicant has been invited to appear in support of the application.

Public Comments

Interested persons may comment on the application at the October 2017 Council meeting during public testimony or until October 10, 2017. Information regarding the meeting is available at the Council's Web site at *http://www.npfmc.org.* Copies of the application and categorical exclusion are available for review from NMFS (see **ADDRESSES**). Comments also may be submitted directly to NMFS (see **ADDRESSES**) by the end of the comment period (see **DATES**).

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

Dated: September 18, 2017.

Emily H. Menashes,

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

[FR Doc. 2017–20186 Filed 9–21–17; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. PTO–P–2017–0038]

Grant of Interim Extension of the Term of U.S. Patent No. 6,100,082; OCS™ Lung System

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of interim patent term extension.

SUMMARY: The United States Patent and Trademark Office has issued an order granting a one-year interim extension of the term of U.S. Patent No. 6,100,082.

FOR FURTHER INFORMATION CONTACT: Mary C. Till by telephone at (571) 272–7755; by mail marked to her attention and addressed to the Commissioner for Patents, Mail Stop Hatch-Waxman PTE, P.O. Box 1450, Alexandria, VA 22313–1450; by fax marked to her attention at (571) 273–7755; or by email to *Mary.Till@uspto.gov.*

SUPPLEMENTARY INFORMATION: Section 156 of Title 35, United States Code, generally provides that the term of a patent may be extended for a period of up to five years if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review, and that the patent may be extended for interim periods of up to one year if the regulatory review is anticipated to extend beyond the expiration date of the patent.

On September 6, 2017, TransMedics, Inc, an exclusive licensee of the patent owner of record, the Department of Veterans Affairs, timely filed an application under 35 U.S.C. 156(d)(5) for an interim extension of the term of U.S. Patent No. 6,100,082. The patent claims the medical device product, the OCS Lung System. The application for patent term extension indicates that a Premarket Approval Application (PMA) P160013 was submitted to the Food and Drug Administration (FDA) on April 28, 2016.

Review of the patent term extension application indicates that, except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. 156, and that the patent should be extended for one year as required by 35 U.S.C. 156(d)(5)(B). Because the regulatory review period will continue beyond the original expiration date of the patent, September 23, 2017, interim extension of the patent term under 35 U.S.C. 156(d)(5) is appropriate.

An interim extension under 35 U.S.C. 156(d)(5) of the term of U.S. Patent No. 6,100,082 is granted for a period of one year from the original expiration date of the patent.

Dated: September 14, 2017.

Robert Bahr,

Deputy Commissioner for Patent Examination Policy, United States Patent and Trademark Office.

[FR Doc. 2017–20272 Filed 9–21–17; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed addition to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes products and services previously furnished by such agencies.

DATES: Comments must be received on or before October 22, 2017.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703)

603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Service

Service Type/Location: Custodial Service, USDA Forest Service, Bridger-Teton National Forest Supervisor's Office, Jackson Ranger District & Teton Interagency Helibase, 340 N. Cache Street and 1260 E. Airport Road, Jackson, WY.
NPA: Development Workshop, Inc., Idaho Falls, ID
Contracting Activity: Forest Service, USDA Forest Service

Deletions

The following products and service are proposed for deletion from the Procurement List:

Products

NSN/Product Name: 5340–00–477–3700—Strap, Webbing
Mandatory Source of Supply: Huntsville Rehabilitation Foundation, Huntsville, AL
Contracting Activity: DLA Troop Support, Philadelphia, PA
NSN/Product Name: 5340–00–992–9254—Cover, Protective
Mandatory Source of Supply: Huntsville Rehabilitation Foundation, Huntsville, AL
Contracting Activity: DLA Troop Support, Philadelphia, PA
NSNs/Product Names: 7520–00–285–3143—Wood Filing Box—3″ x 5″ Cards, 3″ Capacity, Light Oak
7520–00–285–3144—Wood Filing Box—3″ x 5″ Cards, 3″ Capacity, Walnut
7520–00–285–3145—Wood Filing Box—3″ x 5″ Cards, 9″ Capacity, Walnut
7520–00–285–3146—Wood Filing Box—5″ x 8″ Cards, 9″ Capacity, Walnut
7520–00–285–3147—Wood Filing Box—3″ x 5″ Cards, 9″ Capacity, Light Oak
7520–00–285–3148—Wood Filing Box—5″ x 8″ Cards, 9″ Capacity, Light Oak
Mandatory Source of Supply: Napa Valley PSI, Inc., Napa, CA
Contracting Activity: GSA/FSS OFC SUP CTR—Paper Products, New York, NY
NSN/Product Name: 7045–01–470–3011—Data Cartridge, Travan
Mandatory Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: DLA Troop Support, Philadelphia, PA
NSNs/Product Names: 6532–00–149–0327—Trousers, Operating, Surgical
6532–00–149–0328—Trousers, Operating, Surgical
6532–00–149–0329—Trousers, Operating, Surgical
6532–00–149–0330—Trousers, Operating, Surgical
Mandatory Source of Supply: Human Technologies Corporation, Utica, NY
Contracting Activity: DLA Troop Support, Philadelphia, PA

Service

Service Type/Location: GSA, Southwest Supply Center: 819 Taylor Street, Fort Worth, TX
Mandatory Source of Supply: Expanco, Inc., Fort Worth, TX
Contracting Activity: Federal Acquisition Service, GSA/FSS Greater Southwest Acquisition CTR (7FCO)

Patricia Briscoe,

Deputy Director, Pricing and Information Management.

[FR Doc. 2017–20211 Filed 9–21–17; 8:45 am]

BILLING CODE 6353–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2010–0112]

Agency Information Collection Activities; Submission for OMB Review; Comment Request—Contests, Challenges, and Awards

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Consumer Product Safety Commission (CPSC or Commission) announces that the CPSC has submitted to the Office of Management and Budget (OMB) a request for extension of approval of a collection of information associated with CPSC-sponsored contests, challenges, and awards (OMB No. 3041–0151). In the **Federal Register** of June 26, 2017 (82 FR 28829), the CPSC published a notice announcing the agency's intent to seek an extension of approval of this collection of information. CPSC received no comments in response to that notice. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of that collection of information without change.

DATES: Written comments on this request for extension of approval of information collection requirements should be submitted by October 23, 2017.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503. In addition, written comments that are sent to OMB also should be submitted electronically at *http://www.regulations.gov,* under Docket No. CPSC–2010–0112.

FOR FURTHER INFORMATION CONTACT: Charu S. Krishnan, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7221, or by email to: *ckrishnan@cpsc.gov.*

SUPPLEMENTARY INFORMATION: CPSC has submitted the following currently approved collection of information to OMB for extension:

Title: Contests, Challenges, and Awards.

OMB Number: 3041–0151.

Type of Review: Renewal of generic collection.

Frequency of Response: On occasion.

Affected Public: Contestants, award nominees, award nominators.

Estimated Number of Respondents: 500 participants annually. In addition, 20 participants may be required to provide additional information upon selection.

Estimated Time per Response: 5 hours/participant. 20 participants may require 2 additional hours each to provide additional information upon selection.

Total Estimated Annual Burden: 2,540 hours (500 participants × 5 hours/participant) + (20 participants × 2 hours/participant).

General Description of Collection: The Commission establishes contests, challenges, and awards to increase the public's knowledge and awareness of safety hazards, such as carbon monoxide poisoning. The Commission also recognizes those individuals, firms, and organizations that work to address issues related to consumer product safety through awards.

Alberta E. Mills,

Acting Secretary, Consumer Product Safety Commission.

[FR Doc. 2017–20205 Filed 9–21–17; 8:45 am]

BILLING CODE 6355–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for Social Innovation Fund Performance Progress Report

AGENCY: Corporation for National and Community Service (CNCS).

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, CNCS is proposing to renew an information collection for the Social Innovation Fund (SIF) Performance Progress Report (PPR) which consists of the SIF Narrative Progress Report and SIF Data Supplement. The PPR is customized for SIF Classic grantees, SIF Pay for Success grantees, and SIF Pay for Success Administrative Data Pilot grantees. Instructions for all three versions of the PPR reporting requirements are included in this information collection request.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by November 21, 2017.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) *By mail sent to:* Corporation for National and Community Service; Attention: Katy Hussey-Sloniker, 250 E Street SW., Washington, DC 20525.

(2) By hand delivery or by courier to the CNCS mailroom at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except federal holidays.

(3) Electronically through *www.regulations.gov.*

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

Comments submitted in response to this notice may be made available to the public through *regulations.gov*. 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 comment that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Katy Hussey-Sloniker, 202–606–6796, or by email at *KHussey-Sloniker@cns.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Social Innovation Fund Performance Progress Report.

OMB Control Number: 3045–0168.

Type of Review: Renewal.

Respondents/Affected Public: Businesses and Organizations.

Total Estimated Number of Annual Respondents: 47.

Total Estimated Annual Frequency: 2.

Total Estimated Average Response Time per Response: 10 hrs.

Total Estimated Number of Annual Burden Hours: 940.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Abstract

The Corporation for National and Community Service (CNCS) awards grants to states, institutions of higher education, non-profit organizations, Indian tribes, and U.S. Territories to operate AmeriCorps State, AmeriCorps National, AmeriCorps NCCC, AmeriCorps VISTA, Social Innovation Fund and Senior Corps programs. This information collection comprises the information that grantees provide as part of ongoing program monitoring and reporting. Grantees respond to the information requested to report on progress towards the requirements and goals of their Social Innovation Fund grants. The Social Innovation Fund will use the information collection to monitor ongoing progress of the grantees, inform portfolio management and technical assistance, and to inform stakeholders about the progress of the Social Innovation Fund portfolio. CNCS also seeks to continue using the currently approved information collection until the revised information collection is approved by OMB. The currently approved information collection is due to expire on March 31, 2018.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on *regulations.gov*.

Dated: September 18, 2017.

Lois Nembhard,

Acting Director of the Social Innovation Fund.

[FR Doc. 2017–20235 Filed 9–21–17; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2016–OS–0057]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness, DoD.

ACTION: 30-Day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by October 23, 2017.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *Oira_submission@omb.eop.gov.* Please identify the

proposed information collection by DoD Desk Officer and the Docket ID number and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: DoD Postsecondary Education Complaint Intake Form, DD Form 2961; OMB Control Number 0704–0501.

Type of Request: Reinstatement.

Number of Respondents: 63.

Responses per Respondent: 1.

Annual Responses: 63.

Average Burden per Response: 15 minutes.

Annual Burden Hours: 16.

Needs and Uses: The information collection requirement is necessary to obtain, document, and respond to egregious complaints, questions, and other information concerning actions post-secondary education programs and services provided to military service members and spouse-students. The DoD Postsecondary Education Complaint Intake form will provide pertinent information such as: the content of the complaint, the educational institution the student is attending, the level of study, the education program the student is enrolled in, the type of education benefits being used, the branch of the military service, and the preferred contact information.

Affected Public: Individuals or households; business or other for-profits; not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Dated: September 19, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–20274 Filed 9–21–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2017–OS–0042]

Proposed Collection; Comment Request

AGENCY: Defense Finance and Accounting Service (DFAS), DoD.

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the DFAS announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 21, 2017.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

• *Mail:* Department of Defense, Office of the Deputy Chief Management Officer, Directorate for Oversight and Compliance, Regulatory and Advisory Committee Division, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Services-CL, 1240 East 9th Street, Enterprise Solutions and Standards Code JJFJB, Cleveland, Ohio, 44199, ATTN: Stuart Kran, email: *stuart.a.kran.civ@mail.mil,* or call (216) 204–4377.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Dependency Statements; Parent (DD Form 137–3), Incapacitated Child Over Age 21 (DD Form 137–5), Full Time Student 21–22 Years of Age (DD 137–6), and Ward of a Court (DD Form 137–7); OMB Control Number 0730–0014.

Needs and Uses: The information collection requirement is necessary to certify dependency or obtain information to determine entitlement to basic allowance for housing (BAH) with dependent rate, travel allowance, or uniformed services identification and privilege card. Information regarding a parent, an incapacitated child over age 21, a student age 21–22, or a ward of a court is provided by the military member. A medical doctor or psychiatrist, college administrator, or a dependent's employer may need to provide information for claims. Pursuant to 37 U.S.C. 401, 403, 406, and 10 U.S.C. 1072 and 1076, the member must provide more than one half of the claimed dependent's monthly expenses. DoDFMR 7000.14–R, Vol 7A, defines dependency and directs that dependency be proven. Dependency claim examiners use the information from these forms to determine the degree of benefits. The requirement to provide the information decreased the possibility of monetary allowances being approved on behalf of ineligible dependents.

Affected Public: Individuals or Households.

Annual Burden Hours: 13,477.5 hours.

Number of Respondents: 14,975.

Responses per Respondent: 1.
Annual Responses: 14,975.
Average Burden per Response: 54 minutes.
Frequency: On occasion.

When military members apply for benefits, they must complete the form which corresponds to the particular dependent situation (a parent, an incapacitated child over age 21, a student age 21–22, or a ward of a court). While members usually complete these forms, they can also be completed by others considered members of the public. Dependency claim examiners use the information from these forms to determine the degree of benefits. Without this collection of information, proof of an entitlement to a benefit would not exist. The requirement to complete these forms helps alleviate the opportunity for fraud, waste, and abuse of dependent benefits.

Dated: September 19, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–20278 Filed 9–21–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2017–OS–0043]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel & Readiness (OUSD (P&R)), Office of the Assistant Secretary of Defense for Readiness (OASD(R)), DoD.

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by November 21, 2017.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at *http://www.regulations.gov* for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Office of Operation Live Well, Office of Personnel Risk & Resiliency (PRR), Office of the Undersecretary of Defense, Personnel & Readiness (OUSD P&R), ATTN: CAPT Kimberly Elenberg, The Pentagon, Washington, DC 20301, or call Building Healthy Military Communities Support, Operation Live Well, at (703) 693–2214.

SUPPLEMENTARY INFORMATION: *Title; Associated Form; and OMB Number:* Building Healthy Military Communities (BHMC) Pilot Rapid Needs Assessment (RNA); OMB Control No. 0704–XXXX.

Needs and Uses: The information collection requirement is necessary to establish a baseline assessment of readiness requirements and available resources to support these requirements at a state level, as well as to identify current gaps in resources for Service members across all components.

Affected Public: Individuals or households, Business or other for profit; Not-for-profit institutions, State, local, or tribal government.

Annual Burden Hours: 420 hours.
Number of Respondents: 280.
Responses per Respondent: 1.
Annual Responses: 280.
Average Burden per Response: 90 minutes.
Frequency: One-Time.

The Building Healthy Military Communities (BHMC) pilot is a multi-year initiative that aims to better understand unique challenges faced by geographically dispersed Service members and their families that may impact force readiness and well-being. The BHMC pilot is conducting a Rapid Needs Assessment (RNA) to establish a baseline assessment of readiness requirements and available resources to support these requirements at a state level, as well as to identify current gaps in resources for Service members across all components. The RNA is part of an effort to enrich the DoD's methodology for creating a well-informed strategic plan aimed at optimizing force readiness and well-being through community capacity building and better coordination among DoD and non-DoD resources. To conduct this assessment, the Office of the Assistant Secretary of Defense for Readiness (OASD(R)), in collaboration with the National Guard Bureau (NGB), Uniformed Services University of the Health Sciences (USUHS), and the Services within the Reserve Component, will conduct interviews with program representatives at the federal, DoD, state, and local community level to gather qualitative data on their programs and services, the population(s) served by their programs, and the program manager's observations on salient issues impacting the well-being of Service members and their families. The in-person interviews conducted during the RNA will give a unique perspective into all Services and components regarding gaps in available resources that impact readiness and well-being. The RNA is a one-time event expected to last from November 2017 to April 2018.

Dated: September 19, 2017.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2017–20309 Filed 9–21–17; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

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), Oak Ridge Reservation. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, October 11, 2017, 6:00 p.m.

ADDRESSES: Department of Energy Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37830.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Alternate Deputy Designated Federal Officer, U.S. Department of Energy, Oak Ridge Office of Environmental Management (OREM), P.O. Box 2001, EM–942, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 241–6932; Email: *Melyssa.Noe@orem.doe.gov.* Or visit the Web site at *https://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

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

- Welcome and Announcements
- Comments from the Deputy Designated Federal Officer (DDFO)
- Comments from the DOE, Tennessee Department of Environment and Conservation and Environmental Protection Agency Liaisons
- Public Comment Period
- Presentation: Vision 2020—Planning for the Future of the East Tennessee Technology Park, including Reuse, Historic Preservation, and Stewardship
- Motions/Approval of September 13, 2017 Meeting Minutes
- Status of Outstanding Recommendations
- Alternate DDFO Report
- Committee Reports
- Adjourn

Public Participation: The EM SSAB, Oak Ridge, 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 Melyssa P. Noe 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 statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests 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 will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following Web site: *https://energy.gov/orem/listings/oak-ridge-site-specific-advisory-board-meetings.*

Issued at Washington, DC, on September 18, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–20222 Filed 9–21–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Nuclear Energy Advisory Committee; Meeting

AGENCY: Department of Energy, Office of Nuclear Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of NEAC. Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Friday October 13, 2017, 9:00 a.m.–4:30 p.m.

ADDRESSES: Westin Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Bob Rova, Designated Federal Officer, U.S. Department of Energy, 19901 Germantown Rd, Germantown, MD 20874; telephone (301) 903–9096; email *robert.rova@nuclear.energy.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Nuclear Energy Advisory Committee (NEAC), formerly the Nuclear Energy Research Advisory Committee (NERAC), was established in 1998 by the U.S. Department of Energy (DOE) to provide advice on complex scientific, technical, and policy issues that arise in the planning, managing, and implementation of DOE's civilian nuclear energy research programs. The committee is composed of 17 individuals of diverse backgrounds selected for their technical expertise and experience, established records of distinguished professional service, and their knowledge of issues that pertain to nuclear energy.

Purpose of the Meeting: To inform the committee of recent developments and current status of research programs and projects pursued by the Department of Energy's Office of Nuclear Energy and receive advice and comments in return from the committee.

Tentative Agenda: The meeting is expected to include presentations that provide the committee updates on activities for the Office of Nuclear Energy. In addition, there will be presentations by Nuclear Energy Advisory Committee subcommittees and a discussion/vote on the committee's acceptance of the International Subcommittee and Nuclear Technology Subcommittee reports. The agenda may change to accommodate committee business. For updates, one is directed the NEAC Web site: *https://energy.gov/ne/services/nuclear-energy-advisory-committee.*

Public Participation: Individuals and representatives of organizations who would like to offer comments and suggestions may do so on the day of the meeting, Friday, October 13, 2017. Approximately thirty minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but is not expected to exceed 5 minutes. Anyone who is not able to make the meeting or has had insufficient time to address the committee is invited to send a written statement to Bob Rova, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, or email *robert.rova@nuclear.energy.gov.*

Minutes: The minutes of the meeting will be available by contacting Mr. Rova at the address above or on the Department of Energy, Office of Nuclear Energy Web site at *https://energy.gov/ne/services/nuclear-energy-advisory-committee.*

Issued in Washington, DC, on September 18, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2017–20223 Filed 9–21–17; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2471–000]

ORNI 43 LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of ORNI 43 LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 5, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 15, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–20257 Filed 9–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EC17–180–000.
Applicants: American Electric Power Service Corporation, AEP West Virginia Transmission Company, Inc.
Description: Application Under Section 203 of the Federal Power Act to Acquire Transmission Facilities and Request for Certain Waivers of American Electric Power Service Corporation, et al.
Filed Date: 9/15/17.
Accession Number: 20170915–5074.
Comments Due: 5 p.m. ET 10/6/17.

Docket Numbers: EC17–181–000.
Applicants: Rock Creek Wind Project, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act, Request for Expedited Consideration and Confidential Treatment of Rock Creek Wind Project, LLC.
Filed Date: 9/15/17.
Accession Number: 20170915–5079.
Comments Due: 5 p.m. ET 10/6/17.

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

Docket Numbers: ER17–437–005.
Applicants: Marcus Hook 50, L.P.
Description: Report Filing: Refund report to be effective N/A.
Filed Date: 9/14/17.
Accession Number: 20170914–5061.
Comments Due: 5 p.m. ET 10/5/17.

Docket Numbers: ER17–2214–001.
Applicants: Great Valley Solar 2, LLC.
Description: Tariff Amendment: Great Valley Solar 2, LLC Amended Certificate of Concurrence to SFA to be effective 10/1/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5069.
Comments Due: 5 p.m. ET 9/22/17.

Docket Numbers: ER17–2215–001.
Applicants: Great Valley Solar 2, LLC.
Description: Tariff Amendment: Great Valley Solar 2, LLC Amended Certificate of Concurrence to LGIA CTA to be effective 10/1/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5072.
Comments Due: 5 p.m. ET 9/22/17.

Docket Numbers: ER17–2417–001.
Applicants: Great Valley Solar 3, LLC.
Description: Tariff Amendment: Great Valley Solar 3, LLC Amendment to Certificate of Concurrence to LGIA CTA to be effective 10/1/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5073.
Comments Due: 5 p.m. ET 9/22/17.

Docket Numbers: ER17–2418–001.
Applicants: Great Valley Solar 3, LLC.
Description: Tariff Amendment: Great Valley Solar 3, LLC Amendment to Certificate of Concurrence to SFA to be effective 10/1/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5076.
Comments Due: 5 p.m. ET 9/22/17.

Docket Numbers: ER17–2476–000.
Applicants: Palmco Power DC, LLC.
Description: § 205(d) Rate Filing: Ancillary Sales to be effective 11/13/2017.
Filed Date: 9/14/17.
Accession Number: 20170914–5146.
Comments Due: 5 p.m. ET 10/5/17.

Docket Numbers: ER17–2477–000.
Applicants: Palmco Power MD, LLC.
Description: § 205(d) Rate Filing: Ancillary Sales to be effective 11/13/2017.
Filed Date: 9/14/17.
Accession Number: 20170914–5147.
Comments Due: 5 p.m. ET 10/5/17.

Docket Numbers: ER17–2478–000.
Applicants: Palmco Power NH, LLC.
Description: § 205(d) Rate Filing: Ancillary Sales to be effective 9/14/2017.
Filed Date: 9/14/17.
Accession Number: 20170914–5148.
Comments Due: 5 p.m. ET 10/5/17.

Docket Numbers: ER17–2479–000.
Applicants: Palmco Power OH, LLC.
Description: § 205(d) Rate Filing: Ancillary Sales to be effective 11/13/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5000.
Comments Due: 5 p.m. ET 10/6/17.

Docket Numbers: ER17–2480–000.
Applicants: Palmco Power RI, LLC.
Description: § 205(d) Rate Filing: Ancillary Sales to be effective 11/13/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5001.
Comments Due: 5 p.m. ET 10/6/17.

Docket Numbers: ER17–2481–000.
Applicants: Palmco Power MA, LLC.
Description: § 205(d) Rate Filing: Ancillary Sales to be effective 11/13/2017.

Filed Date: 9/15/17.
Accession Number: 20170915–5002.
Comments Due: 5 p.m. ET 10/6/17.
Docket Numbers: ER17–2482–000.
Applicants: Palmco Power NJ, LLC.
Description: § 205(d) Rate Filing: Ancillary Sales to be effective 11/13/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5003.
Comments Due: 5 p.m. ET 10/6/17.
Docket Numbers: ER17–2483–000.
Applicants: Palmco Power VA, LLC.
Description: § 205(d) Rate Filing: Ancillary Sales to be effective 11/13/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5004.
Comments Due: 5 p.m. ET 10/6/17.
Docket Numbers: ER17–2484–000.
Applicants: Palmco Power CT, LLC.
Description: § 205(d) Rate Filing: Ancillary Services to be effective 11/13/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5005.
Comments Due: 5 p.m. ET 10/6/17.
Docket Numbers: ER17–2485–000.
Applicants: Palmco Power MI, LLC.
Description: § 205(d) Rate Filing: Ancillary Sales to be effective 11/13/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5006.
Comments Due: 5 p.m. ET 10/6/17.
Docket Numbers: ER17–2486–000.
Applicants: Palmco Power NY, LLC.
Description: § 205(d) Rate Filing: Ancillary Sales to be effective 11/13/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5007.
Comments Due: 5 p.m. ET 10/6/17.
Docket Numbers: ER17–2487–000.
Applicants: Palmco Power ME, LLC.
Description: § 205(d) Rate Filing: Ancillary Sales to be effective 11/13/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5008.
Comments Due: 5 p.m. ET 10/6/17.
Docket Numbers: ER17–2488–000.
Applicants: Palmco Power IL, LLC.
Description: § 205(d) Rate Filing: Ancillary Sales to be effective 11/13/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5009.
Comments Due: 5 p.m. ET 10/6/17.
Docket Numbers: ER17–2489–000.
Applicants: Arizona Public Service Company.
Description: Arizona Public Service Company submits notification of an Umbrella Attachment A–1, in connection with certain Service Agreements and APS contract.
Filed Date: 9/13/17.
Accession Number: 20170913–5137.
Comments Due: 5 p.m. ET 10/4/17.
Docket Numbers: ER17–2490–000.
Applicants: Palmco Power CA, LLC.
Description: § 205(d) Rate Filing: Ancillary Services to be effective 11/13/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5010.
Comments Due: 5 p.m. ET 10/6/17.
Docket Numbers: ER17–2491–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2017–09–15_SA 3048 Washington Parish-Entergy GIA (J792) to be effective 8/31/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5022.
Comments Due: 5 p.m. ET 10/6/17.
Docket Numbers: ER17–2492–000.
Applicants: Florey Knob Energy LLC.
Description: Baseline eTariff Filing: Florey Knob Energy LLC MBR Filing to be effective 11/16/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5077.
Comments Due: 5 p.m. ET 10/6/17.

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

Docket Numbers: ES17–57–000.
Applicants: Interstate Power and Light Company.
Description: Application for Authorization to Issue Securities and Request for Waiver of Competitive Bidding Requirements of Interstate Power and Light Company.
Filed Date: 9/15/17.
Accession Number: 20170915–5082.
Comments Due: 5 p.m. ET 10/6/17.

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: September 15, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–20249 Filed 9–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–490–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Application

Take notice that on August 31, 2017, Transcontinental Gas Pipe Line Company, LLC (Transco), 2800 Post Oak Boulevard, Houston, Texas 77056–6106, filed an application under section 7(c) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations, requesting authorization to construct and operate its Rivervale South to Market Project, an expansion of Transco's interstate natural gas transmission system in New Jersey. The project will enable Transco to provide an additional 190,000 dekatherms per day (Dth/d) of firm transportation capacity from the interconnection with Tennessee Gas Pipeline Company, LLC (Tennessee) in River Vale, Bergen County, New Jersey (Rivervale Interconnect) to Transco's Central Manhattan Meter Station in Hudson County, New Jersey, and the Station 210 pooling point in Mercer County, New Jersey. The project will include construction of a 0.61 mile 42-inch loop, a pressure uprate of the North New Jersey Extension pipeline (NNJ Extension), modifications at the Orange and Rockland, Emerson, Paramus, and Central Manhattan meter and regulating (M&R) stations, and construction or modification of related appurtenant facilities all within New Jersey, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

The filing may also be viewed on the web at *http://www.ferc.gov* using the eLibrary link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, (202) 502–8659.

Any questions regarding the proposed project should be directed to Marg Camardello, Transcontinental Gas Pipe Line Company, LLC, P.O. Box 1396, Houston, Texas 77251, or by calling (713) 215–3380 or by email at *Pipeline Expansion@williams.com.*

Pursuant to Section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

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

Comment Date: 5:00 p.m. Eastern Time on October 6, 2017.

Dated: September 15, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–20256 Filed 9–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

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

Filings Instituting Proceedings

Docket Numbers: RP17–1048–000.

Applicants: Guardian Pipeline, L.L.C.

Description: § 4(d) Rate Filing: Sales and Purchases of Gas for Operational Purposes to be effective 10/16/2017.

Filed Date: 9/14/17.

Accession Number: 20170914–5030.

Comments Due: 5 p.m. ET 9/26/17.

Docket Numbers: RP17–1049–000.

Applicants: Transcontinental Gas Pipe Line Company.

Description: Compliance filing: Annual Cash-Out Report Period Ending July 31, 2017.

Filed Date: 9/14/17.

Accession Number: 20170914–5049.

Comments Due: 5 p.m. ET 9/26/17.

Docket Numbers: RP17–1051–000.

Applicants: Tallgrass Interstate Gas Transmission, L.

Description: § 4(d) Rate Filing: Administrative Updates to Tariff to be effective 10/15/2017.

Filed Date: 9/15/17.

Accession Number: 20170915–5106.

Comments Due: 5 p.m. ET 9/27/17.

Docket Numbers: RP17–1052–000.

Applicants: Trailblazer Pipeline Company LLC.

Description: § 4(d) Rate Filing: Fuel Tracker—2017 November to be effective 11/1/2017.

Filed Date: 9/15/17.

Accession Number: 20170915–5127.

Comments Due: 5 p.m. ET 9/27/17.

Docket Numbers: RP17–1053–000.

Applicants: Dominion Energy Carolina Gas Transmission.

Description: § 4(d) Rate Filing: DECG—2017 FRQ and TDA Report to be effective 11/1/2017.

Filed Date: 9/15/17.

Accession Number: 20170915–5133.

Comments Due: 5 p.m. ET 9/27/17.

Docket Numbers: RP17–884–001.

Applicants: Trailblazer Pipeline Company LLC.

Description: Compliance filing: Correction to previously filed NRA to be effective 7/1/2017.

Filed Date: 9/15/17.

Accession Number: 20170915–5100.

Comments Due: 5 p.m. ET 9/27/17.

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: September 18, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–20255 Filed 9–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

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

Docket Numbers: EC17–182–000.
Applicants: Calpine Corporation, ECP ControlCo, LLC.
Description: Application for Authorization Under Section 203 of the Federal Power Act of Calpine Corporation, et al.
Filed Date: 9/15/17.
Accession Number: 20170915–5149.
Comments Due: 5 p.m. ET 10/6/17.

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

Docket Numbers: ER17–2493–000.
Applicants: Southern California Edison Company.
Description: § 205(d) Rate Filing: Amended CLGIA & Amended DSA Windhub Solar Project SA Nos. 686–687 to be effective 11/15/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5092.
Comments Due: 5 p.m. ET 10/6/17.
Docket Numbers: ER17–2494–000.
Applicants: Florida Power & Light Company.
Description: § 205(d) Rate Filing: FPL Amendment No. 5 to Rate Schedule No. 74 to be effective 10/1/2017.
Filed Date: 9/15/17.
Accession Number: 20170915–5128.
Comments Due: 5 p.m. ET 10/6/17.

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: September 15, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–20250 Filed 9–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP15–499–000, CP15–499–001 and CP17–26–000]

Texas Eastern Transmission, LP; Pomelo Connector Pipeline, LLC; Notice of Availability of the Environmental Assessment for the Proposed South Texas Expansion Project and Pomelo Connector Pipeline Project

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) for the proposed South Texas Expansion Project (STEP), proposed by Texas Eastern Transmission, LP (Texas Eastern) and the Pomelo Connector Pipeline Project (Pomelo Project), proposed by Pomelo Connector, LLC (Pomelo) in the above referenced dockets. Collectively, the STEP and Pomelo Project, are referred to as the Projects. The Pomelo Project would provide up to 400,000 dekatherms per day (Dth/d) of firm transportation service from an interconnection with Texas Eastern at the proposed Pomelo Petronila Compressor Station in Nueces County, Texas, to the Nueces Header pipeline system. STEP would provide approximately 400,000 Dth/d of firm natural gas transportation service to an interconnection with the Nueces Header.

The EA assesses the potential environmental effects of the construction and operation of the Projects in accordance with the requirements of the National Environmental Policy Act (NEPA). The FERC staff concludes that approval of the proposed Projects, with appropriate mitigating measures, would not constitute a major federal action significantly affecting the quality of the human environment.

The proposed Pomelo Project would consists of construction and operation of approximately 14 miles of 30-inch-diameter pipeline, a new 5,000 horsepower (hp) compressor station, approximately 0.2 mile of new 30-inch-diameter pipeline, and associated aboveground facilities in Nueces County, Texas. Pomelo would engage in certain construction, operation, maintenance, and abandonment activities under blanket construction certificate authorization, and abandon all of the capacity of the Pomelo Connector Pipeline by lease to Texas Eastern. The proposed STEP consists of construction and operation of a new 8,400 hp gas turbine unit in Nueces County, Texas; piping modifications at its existing Angleton Station property in Brazoria County, Texas; a new 8,400 hp gas turbine unit at its existing Blessing Compressor Station in Matagorda County, Texas; clean burn emission work and piping modifications at its existing Mont Belvieu Compressor Station in Chambers County, Texas; and piping modifications at its existing Vidor Compressor Station in Orange County, Texas.

The FERC staff mailed copies of the EA to federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American tribes; potentially affected landowners and other interested individuals and groups; and newspapers and libraries in the Projects areas. In addition, the EA is available for public viewing on the FERC's Web site (*www.ferc.gov*) using the eLibrary link. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference Room, 888 First Street NE., Room 2A, Washington, DC 20426, (202) 502–8371.

Any person wishing to comment on the EA may do so. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that the Commission has the opportunity to consider your comments prior to making its decision on this project, it is important that we receive your comments in Washington, DC on or before October 18, 2017.

For your convenience, there are three methods you can use to file your comments to the Commission. In all instances, please reference the project docket number (CP17–26–000 and CP15–499) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can also file your comments electronically using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety

of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on *eRegister.* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).[1] Only intervenors have the right to seek rehearing of the Commission's decision. The Commission grants affected landowners and others with environmental concerns intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which no other party can adequately represent. Simply filing environmental comments will not give you intervenor status, but you do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on General Search, and enter the docket number excluding the last three digits in the Docket Number field (*i.e.,* CP17–26 and CP15–499). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

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

[1] See the previous discussion on the methods for filing comments.

Dated: September 18, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–20197 Filed 9–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2492–000]

Florey Knob Energy LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Florey Knob Energy LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 10, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 18, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–20199 Filed 9–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

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

Docket Numbers: EC17–179–000.

Applicants: Hydro One Limited, Avista Corporation.

Description: Joint Application for Authorization of Disposition of Assets and Merger Pursuant to Section 203 of the FPA of Hydro One Limited, et al.

Filed Date: 9/14/17.

Accession Number: 20170914–5152.

Comments Due: 5 p.m. ET 10/5/17.

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

Docket Numbers: ER17–2497–000.

Applicants: Alabama Power Company.

Description: § 205(d) Rate Filing: Attachment S (Gulf) 2017 Updated Depreciation Rates Filing to be effective 1/1/2018.

Filed Date: 9/18/17.

Accession Number: 20170918–5122.

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: ER17–2498–000

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original Interconnection Service Agreement No. 4781, Queue No. AB1–082 to be effective 8/25/2017.

Filed Date: 9/18/17.

Accession Number: 20170918–5131.

Comments Due: 5 p.m. ET 10/10/17.

Docket Numbers: ER17–2499–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Pseudo-Tie Agreement SA No. 4790 for Cheoah Units to be effective 12/31/9998.

Filed Date: 9/18/17.

Accession Number: 20170918–5144.
Comments Due: 5 p.m. ET 10/10/17.
Docket Numbers: ER17–2500–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Pseudo-Tie Agreement SA No. 4791 for Calderwood Units to be effective 12/31/9998.
Filed Date: 9/18/17.
Accession Number: 20170918–5146.
Comments Due: 5 p.m. ET 10/10/17.
Docket Numbers: ER17–2501–000.
Applicants: EDP Renewables North America LLC.
Description: Petition for Limited Waiver of Tariff Provision and Request for Expedited Action of EDP Renewables North America LLC.
Filed Date: 9/18/17.
Accession Number: 20170918–5158.
Comments Due: 5 p.m. ET 10/10/17.

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

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

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

Dated: September 18, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–20253 Filed 9–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

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

Filings Instituting Proceedings

Docket Numbers: RP17–1043–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 09/13/17 Negotiated Rates—ENI Trading & Shipping Inc R–7825–03 to be effective 11/1/2017.
Filed Date: 9/13/17.
Accession Number: 20170913–5016.
Comments Due: 5 p.m. ET 9/25/17.
Docket Numbers: RP17–1044–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 09/13/17 Negotiated Rates—Statoil Natural Gas LLC R–7120–04 to be effective 11/1/2017.
Filed Date: 9/13/17.
Accession Number: 20170913–5021.
Comments Due: 5 p.m. ET 9/25/17.
Docket Numbers: RP17–1045–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 09/13/17 Negotiated Rates—Statoil Natural Gas LLC R–7120–05 to be effective 11/1/2017.
Filed Date: 9/13/17.
Accession Number: 20170913–5024.
Comments Due: 5 p.m. ET 9/25/17.
Docket Numbers: RP17–1046–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: § 4(d) Rate Filing: 09/13/17 Negotiated Rates—Mercuria Energy America, Inc. H–7540–89 to be effective 11/1/2017.
Filed Date: 9/13/17.
Accession Number: 20170913–5086.
Comments Due: 5 p.m. ET 9/25/17.
Docket Numbers: RP17–1047–000.
Applicants: ANR Pipeline Company.
Description: Request for Waiver of FERC Gas Tariff of ANR Pipeline Company under RP17–1047.
Filed Date: 9/13/17.
Accession Number: 20170913–5124.
Comments Due: 5 p.m. ET 9/18/17.

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: September 14, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–20254 Filed 9–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2472–000]

ONGP LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of ONGP LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 10, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's

Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERC OnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 18, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–20200 Filed 9–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL17–89–000]

American Electric Power Service Corporation v. Midcontinent Independent System Operator, Inc., Southwest Power Pool, Inc.; Notice of Complaint

Take notice that on September 15, 2017, pursuant to sections 206 and 309 of the Federal Power Act, 16 U.S.C. 824(e) and 825(h) (2012) and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2017), American Electric Power Service Corporation (AEP or Complainant), on behalf of its operating company affiliate, Southwestern Electric Power Company (SWEPCO) filed a formal complaint against Midcontinent Independent System Operator, Inc. (MISO) and Southwest Power Pool, Inc. (SPP) (jointly Respondents), alleging that MISO violated the Joint Operating Agreement between MISO and SPP with respect to the assessment of certain congestion charges associated with SWEPCO loads that are pseudo-tied out of MISO and into SPP, all as more fully explained in the complaint.

AEP certifies that copies of the complaint were served on the contacts for MISO and SPP as listed on the Commission's list of Corporate Officials.

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

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

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

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

Dated: September 18, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–20198 Filed 9–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP16–121–000]

National Grid LNG, LLC; Notice of Schedule for Environmental Review of the Fields Point Liquefaction Project

On April 1, 2016, National Grid LNG, LLC (National Grid) filed an application in Docket No. CP16–121–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities. The proposed project is known as the Fields Point Liquefaction Project (Project), and would involve National Grid constructing a natural gas liquefaction facility at its existing Fields Point liquefied natural gas (LNG) storage facility in Providence, Rhode Island.

On April 15, 2016, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a federal authorization within 90 days of the date of issuance of the Commission staff's Environmental Assessment (EA) for the Project. This instant notice identifies the FERC staff's planned schedule for the completion of the EA for the Project.

Schedule for Environmental Review

Issuance of EA—March 30, 2018
90-Day Federal Authorization Decision Deadline—June 28, 2018

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

Project Description

The Project would give National Grid's customers, Narragansett Electric Company (Narragansett) and Boston Gas Company, the ability to deliver gas in vapor form for storage in National Grid's existing storage tank using an existing 12-inch-diameter pipeline owned by Narragansett. The Project would consist of an electric powered booster compressor, pretreatment system, gas regeneration heater, and liquefaction train including heat exchangers cooled by a closed loop nitrogen refrigeration cycle. The Project would not change the capacity of the existing LNG storage tank or facility.

Background

On September 25, 2015, the Commission issued a *Notice of Intent to Prepare an Environmental Assessment for the Planned Fields Point Liquefaction Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting* (NOI). The NOI was issued during the pre-filing review of the Project in Docket No. PF15–28 and was sent to affected landowners; federal, state, and local government agencies; elected officials; environmental and public interest groups; Native American tribes; local businesses; other interested parties; and local libraries and newspapers.

In response to the NOI, the Commission received comments from 4 Rhode Island State Senators and Representatives, the Rhode Island Natural Resources Conservation Service, Rhode Island Department of Health, Rhode Island Historical Preservation and Heritage Commission, the City of Providence, 4 non-governmental organizations, and 75 individuals. In addition, 18 businesses, individuals, and organizations filed for intervention, some of which also commented on

environmental issues. The primary issues raised by the commentors are safety, public health, environmental justice, and climate change.

Existing groundwater contamination has also been identified as a potential issue at National Grid's LNG storage facility site. National Grid has submitted the necessary information to the Rhode Island Department of Environmental Management (RIDEM), and RIDEM has initiated its review of National Grid's Short Term Response Action Plan for the proposed Project in accordance with its Remediation Regulations. As a result, we are prepared to move forward with the environmental review of the proposed Project.

The U.S. Department of Transportation, the Rhode Island Coastal Resources Management Council, and RIDEM are cooperating agencies in the preparation of the EA.

Additional Information

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

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC Web site (*www.ferc.gov*). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.,* CP16–121), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: September 15, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–20251 Filed 9–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

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

Docket Numbers: EC17–183–000.

Applicants: Danskammer Holdings LLC, Danskammer Energy, LLC.

Description: Joint Application for Approval Under Section 203 of the Federal Power Act and Request for Expedited Approval of Danskammer Holdings LLC, et al.

Filed Date: 9/15/17.

Accession Number: 20170915–5170.

Comments Due: 5 p.m. ET 10/6/17.

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

Docket Numbers: ER17–2173–000.

Applicants: Cedar Creek II, LLC.

Description: § 205(d) Rate Filing: Revised Market-Based Rate Tariff to be effective 9/27/2017.

Filed Date: 7/28/17.

Accession Number: 20170728–5059.

Comments Due: 5 p.m. ET 9/25/17.

Docket Numbers: ER17–2495–000.

Applicants: Southwest Power Pool, Inc.

Description: Request for Approval to Reprice of Southwest Power Pool, Inc.

Filed Date: 9/15/17.

Accession Number: 20170915–5178.

Comments Due: 5 p.m. ET 10/6/17.

Docket Numbers: ER17–2496–000.

Applicants: Midcontinent Independent System Operator, Inc.

Description: § 205(d) Rate Filing: 2017–09–18_SA 3049 NSP–NSP GIA (J399) to be effective 9/1/2017.

Filed Date: 9/18/17.

Accession Number: 20170918–5056.

Comments Due: 5 p.m. ET 10/10/17.

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

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

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

Dated: September 18, 2017.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2017–20252 Filed 9–21–17; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER17–2475–000]

Durgin and Crowell Lumber Company, Inc.; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Durgin and Crowell Lumber Company, Inc.'s application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is October 10, 2017.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERC OnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: September 18, 2017.

Kimberly D. Bose,

Secretary.

[FR Doc. 2017–20196 Filed 9–21–17; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2016–0729; FRL–9966–50]

Registration Review Proposed Interim Decisions for Several Pesticides; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the availability of EPA's proposed interim registration review decisions and opens a 60-day public comment period on the proposed interim decisions for the following pesticides: Carfentrazone-ethyl, clodinafop-propargyl, copper compounds, cyclanilide, flumiclorac-pentyl, metaflumizone, nitrapyrin, noviflumuron, pendimethalin, spinetoram, spinosad, and sodium, calcium, and potassium hypochlorites. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, that the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment.

DATES: Comments must be received on or before November 21, 2017.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit II, by one of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information, contact: The Chemical Review Manager for the pesticide of interest identified in the table in Unit II.

For general information on the registration review program, contact: Dana Friedman, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 347–8827; email address: *friedman.dana@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager for the pesticide of interest identified in the table in Unit II.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. What action is the agency taking?

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA's proposed interim registration review decisions for the pesticides shown in the following table, and opens a 60-day public comment period on the proposed interim decisions. For noviflumuron, this notice also opens a comment period on the ecological risk assessment.

TABLE—REGISTRATION REVIEW PROPOSED INTERIM DECISIONS BEING ISSUED

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Carfentrazone-ethyl, Case Number 7422.	EPA–HQ–OPP–2010–0815	Jordan Page, *page.jordan@epa.gov,* (703) 347–0467.
Clodinafop-propargyl, Case Number 7250.	EPA–HQ–OPP–2012–0424	Wilhelmena Livingston, *livingston.wilhelmena@epa.gov,* (703) 308–8025.
Copper Compounds, Case Numbers 0636, 0649, 4025, 4026.	EPA–HQ–OPP–2010–0212	Jordan Page, *page.jordan@epa.gov,* (703) 347–0467, Kimberly Wilson, *wilson.kimberly@epa.gov,* (703) 347–0495.
Cyclanilide, Case Number 7018 ..	EPA–HQ–OPP–2011–0153	Leigh Rimmer, *rimmer.leigh@epa.gov,* (703) 347–0553.

TABLE—REGISTRATION REVIEW PROPOSED INTERIM DECISIONS BEING ISSUED—Continued

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Flumiclorac-pentyl, Case Number 7232.	EPA–HQ–OPP–2009–0084	Christian Bongard, *bongard.christian@epa.gov,* (703) 347–0337.
Metaflumizone, Case Number 7446.	EPA–HQ–OPP–2016–0417	Nathan Sell, *sell.nathan@epa.gov,* (703) 347–8020.
Nitrapyrin, Case Number 0213	EPA–HQ–OPP–2012–0170	Thomas Harty, *harty.thomas@epa.gov,* (703) 347–0338.
Noviflumuron, Case Number 7434.	EPA–HQ–OPP–2014–0566	Kyle Morford, *morford.kyle@epa.gov,* (703) 347–8895.
Pendimethalin, Case Number 0187.	EPA–HQ–OPP–2012–0219	Nicole Zinn, *zinn.nicole@epa.gov,* (703) 308–7076.
Sodium, Calcium, and Potassium Hypochlorites, Case Numbers 0029, 5076.	EPA–HQ–OPP–2012–0004 and EPA–HQ–OPP–2014–0157.	Jessica Bailey, *bailey.jessica@epa.gov,* (703) 347–0148.
Spinetoram, Case Number 7448	EPA–HQ–OPP–2011–0666	Roy Johnson, *johnson.roy@epa.gov,* (703) 347–0492.
Spinosad, Case Number 7421	EPA–HQ–OPP–2011–0667	Maria Piansay, *piansay.maria@epa.gov,* (703) 308–8063.

The registration review docket for a pesticide includes earlier documents related to the registration review case. For example, the review opened with a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the Preliminary Work Plan.

The documents in the dockets describe EPA's rationales for conducting additional risk assessments for the registration review of the pesticides included in the table in Unit II, as well as the Agency's subsequent risk findings and consideration of possible risk mitigation measures. These proposed interim registration review decisions are supported by the rationales included in those documents.

Following public comment, the Agency will issue interim or final registration review decisions for the pesticides listed in the table in Unit II.

The registration review program is being conducted under congressionally mandated time frames, and EPA recognizes the need both to make timely decisions and to involve the public. Section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136a(g)) required EPA to establish by regulation procedures for reviewing pesticide registrations, originally with a goal of reviewing each pesticide's registration every 15 years to ensure that a pesticide continues to meet the FIFRA standard for registration. The Agency's final rule to implement this program was issued in August 2006 and became effective in October 2006, and appears at 40 CFR part 155, subpart C. The Pesticide Registration Improvement Act of 2003 (PRIA) was amended and extended in September 2007. FIFRA, as amended by PRIA in 2007, requires EPA to complete registration review decisions by October 1, 2022, for all pesticides registered as of October 1, 2007.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim decision. All comments should be submitted using the methods in **ADDRESSES**, and must be received by EPA on or before the closing date. These comments will become part of the docket for the pesticides included in the table in Unit II. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

The Agency will carefully consider all comments received by the closing date and may provide a ''Response to Comments Memorandum'' in the docket. The interim registration review decision will explain the effect that any comments had on the interim decision and provide the Agency's response to significant comments.

Background on the registration review program is provided at: *http://www.epa.gov/pesticide-reevaluation.*

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 22, 2017.

Charles Smith,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2017–20327 Filed 9–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2016–0242; EPA–HQ–OPP–2016–0226; FRL–9965–80]

Pesticides; Final Guidance for Pesticide Registrants on Two Pesticide Registration Notices Related to Resistance Management

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: The Environmental Protection Agency is announcing the availability of two final Pesticide Registration Notices (PRNs) entitled, ''Guidance for Pesticide Registrants on Pesticide Resistance Management Labeling'' and ''Guidance for Herbicide Resistance Management Labeling, Education, Training, and Stewardship.'' The Agency signed these final PRNs, identified as 2017–1 and 2017–2 respectively, on August 24, 2017. PRNs are issued by the Office of Pesticide Programs (OPP) to inform pesticide registrants and other interested persons about important policies, procedures, and registration-related decisions, and to provide guidance to pesticide registrants and OPP personnel. PRN 2017–1, which updates PRN 2001–5, provides guidance for registrants to follow when developing resistance management information to include on their pesticide labels. PRN 2017–2 communicates the Agency's current thinking and approach to address herbicide-resistant weeds by providing guidance on labeling, education, training, and stewardship for herbicides undergoing registration review or registration (i.e., new herbicide active ingredients, new uses proposed for use on herbicide-resistant crops, or other case-specific registration actions). The Agency requested comment on both of

PRNs on June 3, 2016 (81 FR 35766 and 81 FR 35767). Today's final PRNs reflect consideration of public comments.

FOR FURTHER INFORMATION CONTACT: For questions or information related to PRN 2017–1, contact Nikhil Mallampalli, Biological and Economic Analysis Division (7503P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–1924; email address: *mallampalli.nikhil@epa.gov*.

For questions or information related to PRN 2017–2, contact Bill Chism, Biological and Economic and Analysis Division (7503P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8136; email address: *chism.bill@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who submit data under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or are required to register pesticides. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

B. How can I get copies of this document and other related information?

The dockets for PRN 2017–1 and PRN 2017–2, identified by docket identification (ID) numbers EPA–HQ–OPP–2016–0242 and EPA–HQ–OPP–2016–0226, respectively, are available either electronically through *http://www.regulations.gov* or in hard copy at the OPP Docket in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets*.

II. What guidance do these PRNs provide?

A. PRN 2017–1

PRN 2017–1 (entitled ''Guidance for Pesticide Registrants on Pesticide Resistance Management Labeling'') is aimed at improving information on pesticide labels to help pesticide users minimize and manage pest resistance. PRN 2017–1 updates PRN 2001–5 with the following categories of changes: (a) Provides additional guidance to registrants, and a recommended format for resistance-management statements or information to place on labels; (b) includes references to external technical resources for guidance on resistance management; and (c) updates the instructions on how to submit changes to existing labels in order to enhance resistance-management language. PRN 2017–1 also discusses what pesticides are covered by the PRN.

PRN 2017–1 addresses end-use herbicide, fungicide/bactericide, or insecticide/acaricide products that are intended for agricultural and certain non-cropland areas under commercial or government-sponsored pest management. The recommendations in PRN 2017–1 are for both products that are pending registration and currently registered products. In particular, the PRN applies to all field use agricultural pesticide products, as well as pesticides which are labeled for greenhouse production, sod farms, ornamental crops, aquatic vegetation, rights-of-way, and pest management along roadways. This guidance is not intended to apply to products labeled for use by the general consumer, such as residential use pesticides.

B. PRN 2017–2

PRN 2017–2 (entitled ''Guidance for Herbicide Resistance Management Labeling, Education, Training, and Stewardship'') communicates the Agency's approach to address the development of herbicide-resistant weeds by providing guidance on labeling, education, training, and stewardship for herbicides undergoing registration review or registration (*i.e.,* new herbicide actives, new uses proposed for use on herbicide-resistant crops, or other case-specific registration actions). It is part of a holistic, proactive, multi-stakeholder approach to slow the development and spread of herbicide-resistant weeds, and prolong the useful lifespan of herbicides and related technology. PRN 2017–2 articulates a combination of labeling and educational activities that are intended to slow the progression of development of resistant weeds.

PRN 2017–2 applies to end-use herbicide products used in agriculture, including commercial turf and sod farms, and ornamental production that is in the open. It also applies to non-agricultural use sites such as golf courses, aquatic vegetation, rights-of-way and vegetation management along roadways. This PRN does not apply to herbicide products labeled for use by the general consumer, such as residential use pesticides. Technical and manufacturing use products are expressly excluded.

III. What comments did EPA receive on these PRNs?

A. PRN 2017–1

The Agency received 19 comment letters on the PRN 2017–1 from non-governmental organizations (NGOs), grower groups, professional scientific societies, registrants, resistance action committees (RACs), and the United States Department of Agriculture (USDA). There was general agreement among commenters that additional resistance management information on labels would be useful, especially the routine inclusion of a pesticide's mode of action group, which is established by the various RACs. A few RACs disagreed with some of the suggested label statements in the guidance, particularly for fungicides and insecticides. Some commenters expressed concern and confusion about whether non-agricultural pesticides are covered and whether all of the guidance in the PRN is mandatory for registrants or pesticide users. The Agency has considered the various comments in finalizing PRN 2017–1 and developed a response to comments document (Ref 1.), which can be found under docket ID EPA–HQ–OPP–2016–0242.

B. PRN 2017–2

The Agency received 27 comment letters on the herbicide resistance management PRN 2017–2 from NGOs, crop groups, professional societies, registrants, RACs, and USDA. Most commenters generally agreed that pesticide labels should provide additional resistance management information. Several commenters proposed a single category of concern for resistance to develop instead of the proposed three categories of concern (low, moderate, and high) based on the potential for weeds to develop herbicide resistance with increasing elements for resistance management as the level of concern increased. Many commenters were against having the registrants provide additional information to the user/grower listing the weeds that are resistant to the herbicide(s) in the product. Some commenters expressed concern on whether non-agricultural pesticides are covered. The Agency has considered the various comments in finalizing PRN 2017–2 and developed a

response to comments document (Ref. 2.), which can be found under docket ID EPA–HQ–OPP–2016–0226.

IV. Do PRNs contain binding requirements?

The PRNs discussed in this notice are intended to provide guidance to EPA personnel and pesticide registrants. While the requirements in the statutes and Agency regulations are binding on EPA and the applicants, these PRNs are not binding on either EPA or pesticide registrants, and EPA may depart from these PRNs where circumstances warrant and without prior notice. Likewise, pesticide registrants may assert that the guidance in these PRNs is not appropriate generally or not applicable to a specific pesticide or situation.

V. References

The following is a listing of the documents that are specifically referenced in this notice. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

USEPA, 2017a. Response to Comments Received on PRN 2016–X: Draft Guidance for Pesticide Registrants on Pesticide Resistance Management Labeling.

USEPA, 2017b. Response to Comments Received on PRN 2016–XX: Draft Guidance for Herbicide Resistance Management Labeling, Education, Training, and Stewardship.

Authority: 7 U.S.C. 136 *et seq.*

Dated: August 28, 2017.

Richard P. Keigwin, Jr.,

Director, Office of Pesticide Programs.

[FR Doc. 2017–20331 Filed 9–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2008–0719; FRL–9968–04–OEI]

Information Collection Request (ICR) Submitted to OMB for Review and Approval; Comment Request; ICR Supporting Statement Information Collection Request for National Pollutant Discharge Elimination System (NPDES) Program (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''ICR Supporting Statement Information Collection Request for National Pollutant Discharge Elimination System (NPDES) Program (Renewal)'' (EPA ICR No. 0229.23, OMB Control No. 2040–0004) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). This is a proposed extension of the ICR, which is currently approved through December 31, 2017. Public comments were previously requested via the **Federal Register** (82FR29549) 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 23, 2017.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OW–2008–0719, to (1) EPA online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, 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: Kevin Weiss, State and Regional Branch, Water Permits Division, OWM Mail Code: 4203M, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–0742; fax number: (202) 564–9544; email address: *weiss.kevin@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, visit *http://www.epa.gov/dockets.*

Abstract: This ICR estimates the burden and costs associated with the information collection requirements of the NPDES program, identifies the types of activities regulated under the NPDES program, describes the roles and responsibilities of state governments and the Agency, and presents the program areas that address the various types of regulated activities. This renewal also incorporates the burden and costs for seven more NPDES programs, which were previously contained in separate ICRs, including: Consolidated Animal Sectors (OMB Control No. 2040–0250; EPA ICR Number 1989.09); Pesticide Applicators (OMB Control No. 2040–0284; EPA ICR Number 2397.02); National Pretreatment Program (OMB Control No. 2040–0009; EPA ICR Number 0002.15); Cooling Water Intake Structures Phase I—New Facilities (OMB Control No. 2040–0241; EPA ICR Number 1973.06); Cooling Water Intake Structures at Phase III Facilities (OMB Control No. 2040–0268, EPA ICR No. 2169.05); Cooling Water Intake Structures Existing Facilities (OMB Control No. 2040–0257; EPA ICR No. 2060.07); and NPDES Electronic Reporting Rule (OMB Control No. 2020–0035; EPA ICR No. 2468.02).

Permit applications and other respondent reports may contain confidential business information. If a respondent does consider this information to be of a confidential nature, the respondent may request that such information be treated as confidential. All confidential data will be handled in accordance with 40 CFR 122.7, 40 CFR part 2, and EPA's Security Manual part III, chapter 9, dated August 9, 1976.

Respondents/affected entities: Any industrial point source discharger of pollutants, including but not limited to publicly owned and privately owned treatment works (POTWs and PrOTWs), industrial dischargers to POTWs and PrOTWs, sewage sludge management and disposal operations, small and large vessels, airports with deicing operations, dischargers of stormwater, construction sites, municipalities, pesticide applicators, local and state goverments.

Respondent's obligation to respond: Mandatory. Sections 301, 302, 304, 306, 307, 308, 316(b), 401, 402, 403, 405, and 510 of the CWA; the 1987 Water Quality Act (WQA) revisions to CWA section

402(p); 40 (CFR) Parts 122, 123, 124, and 125 (and Parts 501 and 503 for Biosolids); and the Great Lakes Critical Programs Act (CPA).

Estimated number of respondents: 935,020 total (934,383 permittees and 637 States/Tribes/Territories).

Frequency of response: Varies depending on the specific response activity and can range from ongoing and monthly to once every 5 years.

Total estimated burden: 28,239,262 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $1,476,244,044 (per year), includes $43,659,009 annualized capital or operation & maintenance costs.

Changes in the estimates: There is a net increase of 836,289 (3%) hours in the total estimated respondent burden compared with the combined burden of the component ICRs currently approved by OMB. This change in the total is primarily due to a combination of both burden increases and decreases in the component ICRs. Minor changes in the estimated burden occurred for five of the eight component ICRs (NPDES ICR, Pesticide Applicators ICR, National Pretreatment Program ICR, Cooling Water Intake Structures Phase I New Facilities ICR, and the Cooling Water Intake Structures Phase III Facilities ICR). Significant changes occurred for three of the eight component ICRs (Consolidated Animal Sectors ICR, Cooling Water Intake Structures Existing Facility ICR, and Electronic Reporting Rule ICR). These significant changes included: (1) A decrease of 12 percent in the animal sector labor burden due to revised EPA estimates based on changes in industry practice, adherence to USDA guidelines, and industry consolidation (OMB Control No. 2040–0250); (2) an increase of 140 percent in the cooling water intake structures existing facilities labor burden due to the coincidence of the period of greatest implementation burden with the three year ICR period (OMB Control No. 2040–0257); and (3) a decrease of 164 percent in the electronic reporting rule labor burden due to the reduced need for data input due to increased participation in electronic filing of forms and reports as the rule is implemented (OMB Control No. 2020–0035).

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2017–20279 Filed 9–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9035–3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7146 or *http://www2.epa.gov/nepa/.*

Weekly receipt of Environmental Impact Statements (EIS)
Filed 09/11/2017 Through 09/15/2017
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: *https://cdxnodengn.epa.gov/cdx-nepa-public/action/eis/search.*

EIS No. 20170178, Draft Supplement, USACE, NM, Middle Rio Grande Flood Protection Bernalillo to Belen, New Mexico: Mountain View, Isleta and Belen Units Integrated General Reevaluation Report and Supplemental Environmental Impact Statement, Comment Period Ends: 11/06/2017, Contact: Michael D. Porter 505–342–3264.

EIS No. 20170179, Draft, USFS, CA, Craggy Vegetation Management, Comment Period Ends: 11/06/2017, Contact: Andrew Mueller 530–468–1223.

EIS No. 20170180, Final, USFS, CA, Trinity Post Fire Hazard Reduction and Salvage, Review Period Ends: 10/30/2017, Contact: Thomas Hall 530–628–1200.

EIS No. 20170181, Revised Draft, USACE, WA, Mount St. Helens Long-Term Sediment Management Plan, Comment Period Ends: 11/06/2017, Contact: Ann Hodgson 503–808–4663.

EIS No. 20170182, Final, USACE, OK, ADOPTION—Plains and Eastern Clean Line Transmission Line Project, Review Period, Contact: David Gade 918–669–7579. The U.S. Army Corps of Engineers—Tulsa District, District Commander Christopher A. Hussin, adopts the Department of Energy's Final Environmental Impact Statement for the Plains & Eastern Clean Line Transmission Line Project (Final EIS #182396 [DOE/EIS/0486]) filed with the USEPA on 11/13/2015. As the USACE was a cooperating agency, recirculation of the document (EIS) is not necessary under 40 CFR 1506.3(c).

EIS No. 20170183, Final, EPA, Other, ADOPTION—Gulf of Mexico OCS Oil and Gas 2017–2022 Final Multisale EIS, Review Period, Contact: Keith Hayden 214–665–2133. The U.S. Environmental Protection Agency (EPA) has adopted the Bureau of Ocean and Energy Management's (BOEM) Gulf of Mexico Outer Continental Shelf (OCS) Oil and Gas 2017–2022 Final Multisale Environmental Impact Statement (EIS), Council of Environmental Quality (CEQ) No. 20170030. BOEM filed its Final EIS with EPA on March 10, 2017, (82 FR 13338). EPA was a cooperating agency on the project and recirculation of the document is not necessary under Section 1506.3(c) of the CEQ National Environmental Policy Act (NEPA) Regulations.

Amended Notices

EIS No. 20170137, Draft Supplement, Caltrans, CA, I–710 Corridor Project, Comment Period Ends: 10/23/2017, Contact: Jason Roach 213–897–0357. Revision to FR Notice Published 07/28/2017; Extending Comment Period from 09/22/2017 to 10/23/2017.

EIS No. 20170152, Draft, BR, CA, WITHDRAWN—San Luis Low Point Improvement Project, Comment Period Ends: 09/25/2017, Contact: Nicole Johnson 916–978–5085. Revision to FR Notice Published 08/11/2017; Officially Withdrawn per request of the submitting agency.

EIS No. 20170162, Draft Supplement, USFWS, MT, Proposed Amendment to the Endangered Species Act 10(a)(1)(B) Permit Associated with the Montana Department of Natural Resources and Conservation Forested State Trust Lands Habitat Conservation Plan, Comment Period Ends: 10/13/2017, Contact: Amelia Orton-Palmer 303–236–4211. Revision to FR Notice Published 08/25/2017; Correction to Comment Period from 10/09/2017 to 10/13/2017.

EIS No. 20170169, Draft, USACE, AK, Nanushuk Project, Comment Period Ends: 11/14/2017, Contact: Ellen Lyons 907–474–2169. Revision to FR Notice Published 09/01/2017; Extending Comment Period from 10/16/2017 to 11/14/2017.

EIS No. 20170170, Draft, USACE, TX, Houston Ship Channel Expansion Channel Improvement Project, Comment Period Ends: 11/13/2017, Contact: Kelly Burks-Copes 409–766–3044. Revision to FR Notice Published 09/01/2017; Extending Comment Period from 10/16/2017 to 11/13/2017.

EIS No. 20170177, Draft, USFS, SD, Black Hills Resilient Landscapes

Project, Comment Period Ends: 10/30/2017, Contact: Anne Davy 406–273–1836. Revision to FR Notice Published 09/15/2017; Correcting Lead Agency from AFS to USFS.

Dated: September 19, 2017.

Kelly Knight,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2017–20282 Filed 9–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[9966–15–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of Arizona's request to revise its National Primary Drinking Water Regulations Implementation EPA-authorized program to allow electronic reporting.

DATES: EPA approves the authorized program revision for the State of Arizona's National Primary Drinking Water Regulations Implementation program as of October 23, 2017, if no timely request for a public hearing is received and accepted by the Agency.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On July 26, 2017, the Arizona Department of Environmental Quality (ADEQ) submitted an application titled ''Compliance Monitoring Data Portal'' for revision to its EPA-approved drinking water program under title 40 CFR to allow new electronic reporting. EPA reviewed ADEQ's request to revise its EPA-authorized program and, based on this review, EPA determined that the application met the standards for approval of authorized program revision set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve Arizona's request to revise its Part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting under 40 CFR part 141 is being published in the **Federal Register**.

ADEQ was notified of EPA's determination to approve its application with respect to the authorized program listed above.

Also, in today's notice, EPA is informing interested persons that they may request a public hearing on EPA's action to approve the State of Arizona's request to revise its authorized public water system program under 40 CFR part 142, in accordance with 40 CFR 3.1000(f). Requests for a hearing must be submitted to EPA within 30 days of publication of today's **Federal Register** notice. Such requests should include the following information:

(1) The name, address and telephone number of the individual, organization or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in EPA's determination, a brief explanation as to why EPA should hold a hearing, and any other information that the requesting person wants EPA to consider when determining whether to grant the request;

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

In the event a hearing is requested and granted, EPA will provide notice of the hearing in the **Federal Register** not less than 15 days prior to the scheduled hearing date. Frivolous or insubstantial requests for hearing may be denied by EPA. Following such a public hearing, EPA will review the record of the hearing and issue an order either affirming today's determination or rescinding such determination. If no timely request for a hearing is received and granted, EPA's approval of the State of Arizona's request to revise its part 142—National Primary Drinking Water Regulations Implementation program to allow electronic reporting will become effective 30 days after today's notice is published, pursuant to CROMERR section 3.1000(f)(4).

Matthew Leopard,

Director, Office of Information Management.

[FR Doc. 2017–20275 Filed 9–21–17; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9967–87–Region 3]

Delegation of Authority to the Commonwealth of Virginia To Implement and Enforce Additional or Revised National Emission Standards for Hazardous Air Pollutants Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of delegation of authority.

SUMMARY: On May 11, 2017, the Environmental Protection Agency (EPA) sent the Commonwealth of Virginia (Virginia) a letter acknowledging that Virginia's delegation of authority to implement and enforce the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) and New Source Performance Standards (NSPS) had been updated, as provided for under previously approved delegation mechanisms. To inform regulated facilities and the public, EPA is making available a copy of EPA's letter to Virginia through this notice.

DATES: On May 11, 2017, EPA sent Virginia a letter acknowledging that Virginia's delegation of authority to implement and enforce federal NESHAPs had been updated.

ADDRESSES: Copies of documents pertaining to this action are available for public inspection during normal

business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103–2029. Copies of Virginia's submittal are also available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Emily Linn, (215) 814-5273, or by email at *linn.emily@epa.gov.*

SUPPLEMENTARY INFORMATION: On February 27, 2017, Virginia notified EPA that Virginia had updated its incorporation by reference of federal NESHAPs to include many such standards, as they were published in final form in the Code of Federal Regulations dated July 1, 2016. On May 11, 2017, EPA sent Virginia a letter acknowledging that Virginia now has the authority to implement and enforce the NESHAPs as specified by Virginia in its notice to EPA, as provided for under previously approved automatic delegation mechanisms. All notifications, applications, reports, and other correspondence required pursuant to the delegated NESHAPs must be submitted to both the EPA, Region III and to the Virginia Department of Environmental Quality, unless the delegated standard specifically provides that such submittals may be sent to EPA or a delegated State. In such cases, the submittals should be sent only to the Virginia Department of Environmental Quality. A copy of EPA's letter to Virginia follows:

Michael G. Dowd, Director
Air Division
Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, Virginia 23218

Dear Mr. Dowd:

The United States Environmental Protection Agency (EPA) has previously delegated to the Commonwealth of Virginia (Virginia) the authority to implement and enforce various federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), and National Emission Standards for Hazardous Air Pollutants for Source Categories (MACT standards) which are found at 40 CFR parts 60, 61 and 63, respectively. In those actions, EPA also delegated to Virginia the authority to implement and enforce any future federal NSPS, NESHAP or MACT Standards on the condition that Virginia legally adopt the future standards, make only allowed wording changes, and provide specified notice to EPA.

In a letter dated February 27, 2017, Virginia submitted to EPA revised versions of Virginia's regulations which incorporate by reference specified federal NSPS, NESHAP and MACT standards, as those federal standards had been published in final form in the Code of Federal Regulations dated July 1, 2016. Virginia committed to enforcing the federal standards in conformance with the terms of EPA's previous delegations of authority and made only allowed wording changes.

Virginia stated that it had submitted the revisions ''to retain its authority to enforce the NSPSs and NESHAPs under the delegation of authority granted by EPA on August 27, 1981 (46 FR 43300) and to enforce the MACT standards under the delegation of authority granted by EPA on January 26, 1999 (64 FR 3938) and January 8, 2002 (67 FR 825).''

Virginia provided copies of its revised regulations which specify the NSPS, NESHAP and MACT Standards which it had adopted by reference. Virginia's revised regulations are entitled 9 VAC 5–50 ''New and Modified Stationary Sources,'' and 9 VAC 5–60 ''Hazardous Air Pollutant Sources.'' These revised regulations have an effective date of February 22, 2017.

Virginia stated in its submittal letter that ''Virginia may not accept delegation of a standard based on an assessment of implementation and enforcement commitments. The following standard is affected at this time: Subpart OOOOa, Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced after September 18, 2015. . . .''

Virginia further explained regarding Subpart 0000a that ''[a]uthority to enforce this standard is being retained by EPA and it is not incorporated by reference into the Virginia regulations for any source that is not (i) a major source as defined in 9VAC5–80–60 and subject to Article 1, Federal Operating Permits for Stationary Sources, or (ii) an affected source as defined in 9VAC5–80–370 and subject to Article 3, Federal Operating Permits for Acid Rain Sources, of Part II of 9VAC5–80 (Permits for Stationary Sources).''

In the regulations that it submitted Virginia also indicates various other EPA standards that the State had previously chosen not to adopt by reference or had chosen to adopt by reference only for certain specified sizes, etc. of sources.

Based on Virginia's submittal, EPA acknowledges that EPA's delegations to Virginia of the authority implement and enforce EPA's NSPS, NESHAP, and MACT Standards have been updated, as provided for under the terms of EPA's previous delegation of authority actions, to allow the Virginia to implement and enforce the federal NSPS, NESHAP, and MACT standards which Virginia has adopted by reference as specified in Virginia's revised regulations 9 VAC 5–50 and 9 VAC 5–60, both effective on February 22, 2017.

Please note that on December 19, 2008, in *Sierra Club* v. *EPA,*[1] the United States Court of Appeals for the District of Columbia Circuit vacated certain provisions of the General Provisions of 40 CFR part 63 relating to exemptions for startup, shutdown, and malfunction (SSM). On October 16, 2009, the Court issued a mandate vacating these SSM exemption provisions, which are found at 40 CFR 63.6(f)(1) and (h)(1).

Accordingly, EPA no longer allows sources the SSM exemption as provided for in the vacated provisions at 40 CFR 63.6(f)(1) and (h)(1), even though EPA has not yet formally removed these SSM exemption provisions from the General Provisions of 40 CFR part 63. Because Virginia incorporated 40 CFR part 63 by reference, Virginia should also no longer allow sources to use the former SSM exemption from the General Provisions of 40 CFR part 63 due to the Court's ruling in *Sierra Club vs. EPA.*

EPA appreciates Virginia's continuing NSPS, NESHAP, and MACT standards enforcement efforts, and also Virginia's decision to take automatic delegation of additional or updated NSPS, NESHAP and MACT standards by adopting them by reference.

Sincerely,

Cristina Fernandez,
Director Air Protection Division.

This notice acknowledges the update of Virginia's delegation of authority to implement and enforce NESHAP and NSPS.

Dated: September 6, 2017.

Cristina Fernandez,

Director, Air Protection Division, Region III.

[FR Doc. 2017–20322 Filed 9–21–17; 8:45 am]

BILLING CODE 6560–50–P

[1] *Sierra Club* v. *EPA,* 551 F.3rd 1019 (D.C. Cir. 2008).

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the

standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 19, 2017.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. *First American Bank Corporation,* Elk Grove Village, Illinois; to acquire 100 percent of Southport Financial Corporation and thereby indirectly acquire Southport Bank, both of Kenosha, Wisconsin.

Board of Governors of the Federal Reserve System, September 19, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–20284 Filed 9–21–17; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 10, 2017.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Shair Baz Hakemy and Sabreena Hakemy,* both of Southlake, Texas; as a group acting in concert (the Hakemy Family Group—Retroactive), to retain and acquire voting shares of Riverbend Financial Corporation, Fort Worth, Texas; and Shair Baz Hakemy to acquire shares of Riverbend Financial Corporation, and thereby acquire shares of Riverbend Bank, Fort Worth, Texas.

Board of Governors of the Federal Reserve System, September 19, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–20286 Filed 9–21–17; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Savings and Loan Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Home Owners' Loan Act (12 U.S.C. 1461 *et seq.*) (HOLA), Regulation LL (12 CFR part 238), and Regulation MM (12 CFR part 239), and all other applicable statutes and regulations to become a savings and loan holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a savings association and nonbanking companies owned by the savings and loan holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the HOLA (12 U.S.C. 1467a(e)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 10(c)(4)(B) of the HOLA (12 U.S.C. 1467a(c)(4)(B)). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 19, 2017.

A. Federal Reserve Bank of Dallas (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Susser Bank Holdings LLC,* Corpus Christi, Texas; to become a savings and loan holding company by acquiring and controlling up to 75 percent of the outstanding voting shares of BancAffiliated, Inc., Arlington, Texas, and thereby acquire control of Affiliated Bank, Bedford, Texas.

Board of Governors of the Federal Reserve System, September 19, 2017.

Yao-Chin Chao,

Assistant Secretary of the Board.

[FR Doc. 2017–20285 Filed 9–21–17; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice-MK–2017–04; Docket No. 2017–0005; Sequence 4]

The Presidential Commission on Election Integrity (PCEI); Submission of Public Comments

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Presidential Advisory Commission on Election Integrity request for comments.

SUMMARY: The Presidential Advisory Commission on Election Integrity (Commission) consistent with the Executive Order dated May 11, 2017, the Establishment of Presidential Advisory Commission on Election Integrity, will study the registration and voting processes used in Federal elections. The Commission invites public comments related to laws, rules, policies, activities, strategies, and practices that enhance and/or undermine the American people's confidence in the integrity of the voting processes in Federal elections, as well as vulnerabilities in voting systems and practices used for Federal elections. The Commission values public feedback.

DATES: Submit comments on or before December 21, 2017.

ADDRESSES: Public comments can be submitted by either of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulmaking portal by searching for Notice–MK–2017–04. Select the link ''Comment Now'' that corresponds with ''Notice–MK–2017–04, Submission of Public Comments.'' Follow the instructions provided on the screen. Please include your name, organization (if any), and ''Notice–MK–2017–04, Submission of Public Comments'' on your attached document. Please note that any information, including personal or contact information, that you provide on the *regulations.gov* comment form, or in an attachment, will be publicly disclosed as it is entered, searchable on the Internet, and included in any paper docket.
- *Mail:* Presidential Advisory Commission on Election Integrity,

Eisenhower Executive Office Building (EEOB), Rm. 268, Washington, DC 20504. Please note that any written comments received via mail will be uploaded to the docket on *regulations.gov,* where they will be viewable in full by the public, including any personal or contact information.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Williams, Policy Advisor, Presidential Advisory Commission on Election Integrity, at 202–456–3794 or via email at *ElectionIntegrityStaff@ovp.eop.gov.*

SUPPLEMENTARY INFORMATION: The Commission was established in accordance with Executive Order 13799 of May 11, 2017 (*https://www.federalregister.gov/documents/2017/05/16/2017-10003/establishment-of-presidential-advisory-commission-on-election-integrity*). The Commission will function solely as an advisory body, and shall submit a report to the President of the United States that identifies the following:

a. Those laws, rules, policies, activities, strategies, and practices that enhance the American people's confidence in the integrity of the voting processes used in Federal elections;

b. Those laws, rules, policies, activities, strategies, and practices that undermine the American people's confidence in the integrity of the voting processes used in Federal elections; and

c. Those vulnerabilities in voting systems and practices used for Federal elections that could lead to improper voter registrations and improper voting, including fraudulent voter registrations and fraudulent voting.

Dated: September 15, 2017.

Allison Fahrenkopf Brigati,

Associate Administrator, Office of Government-Wide Policy.

[FR Doc. 2017–20182 Filed 9–21–17; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0144; Docket 2017–0053; Sequence 10]

Information Collection; Payment by Electronic Funds Transfer

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding a revision and extension to an existing OMB information collection.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning payment by electronic funds transfer.

DATES: Submit comments on or before November 21, 2017.

ADDRESSES: Submit comments identified by Information Collection 9000–0144, Payment by Electronic Funds Transfer, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.*

Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0144. Select the link ''Comment Now'' that corresponds with ''Information Collection 9000–0144, Payment by Electronic Funds Transfer''. Follow the instructions provided on the screen. Please include your name, company name (if any), and ''Information Collection 9000–0144, Payment by Electronic Funds Transfer'', on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405. ATTN: Ms. Sosa/IC 9000–0144, Payment by Electronic Funds Transfer.

Instructions: Please submit comments only and cite Information Collection 9000–0144, Payment by Electronic Funds Transfer, in all correspondence related to this collection. Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Zenaida Delgado, Procurement Analyst, via telephone 202–969–7207 or via email to *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The FAR requires certain information to be provided by contractors which would enable the Government to make payments under the contract by electronic funds transfer (EFT). The information necessary to make the EFT transaction is specified in clause 52.232–33, Payment by Electronic Funds Transfer—System for Award Management, which the contractor is required to provide prior to award, and clause 52.232–34, Payment by Electronic Funds Transfer—Other than System for Award Management, which requires EFT information to be provided as specified by the agency to enable payment by EFT. This collection of information is mostly imposed on contractors upon award of each contract. Less frequent collection would not facilitate contract payment by EFT as the standard method of payment under Government contracts.

DoD, GSA and NASA analyzed the FY 2016 data from the Federal Procurement Data System (FPDS) to develop the estimated burden hours for this information collection. The burden was adjusted to reflect that the information required by the clause at 52.232–33, Payment by Electronic Funds Transfer—System for Award Management, is already covered by OMB Control Number 9000–0159, System for Award Management Registration (SAM).

B. Annual Reporting Burden

Respondents: 3,761.
Responses per Respondent: 1.
Annual Responses: 3,761.
Hours per Response: 0.5.
Total Burden Hours: 1,881.

C. Public Comment

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW., Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 9000–0144, Payment by Electronic Funds Transfer, in all correspondence.

Dated: September 18, 2017.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Government-Wide Acquisition Policy, Office of Acquisition Policy, Office of Government-Wide Policy.

[FR Doc. 2017–20169 Filed 9–21–17; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2015–0049]

Notice of Availability of a Revised Environmental Assessment for HHS/CDC Lawrenceville Campus Proposed Improvements 2015–2025, Lawrenceville, Georgia

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of availability and request for comment.

SUMMARY: The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS), announces the availability and opportunity for public review and comment of a revised Environmental Assessment (EA) for the HHS/CDC Lawrenceville Campus Proposed Improvements 2015–2025 on the HHS/CDC Lawrenceville Campus, Lawrenceville, Georgia. The revised EA has been prepared in accordance with the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) implementing regulations (40 CFR 1500–1508) and the HHS General Administration Manual (GAM) Part 30 Environmental Procedures, dated February 25, 2000.

DATES: Written comments must be received by October 23, 2017.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2015–0049 by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Comments submitted by mail should be sent to Stephen Klim, RA, LEED Green Associate Architect Centers for Disease Control and Prevention, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–K96, Atlanta, Georgia 30329, Attn: Docket No. CDC–2015–0049.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *http://regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

Hard copies of the revised EA are available for review at the following locations:

- Gwinnett County Public Library, Lawrenceville Branch, 1001 Lawrenceville Hwy, Lawrenceville, GA 30046, Telephone: (770) 978–5154.
- Gwinnett County Public Library, Five Forks Branch, 2780 Five Forks Trickum Road, Lawrenceville, GA 30044–5865, Telephone: (770) 978–5154.
- Gwinnett County Public Library, Grayson Branch, 700 Grayson Parkway, Grayson, GA 30017–1208, Telephone: (770) 978–5154.

FOR FURTHER INFORMATION CONTACT: Stephen Klim, RA, Office of Safety, Security, and Asset Management, Centers for Disease Control and Prevention, 1600 Clifton Road NE., MS–K96, Atlanta, Georgia 30329, Telephone: (770)488–8009.

SUPPLEMENTARY INFORMATION: On February 16, 2016 CDC published a Notice of Availability for the Final Environmental Assessment (2016 Final EA) and Finding of No Significant Impact (FONSI) for the HHS/CDC's Lawrenceville Campus Proposed Improvements 2015–2025 (81 FR 7800). The proposed improvements identified in the 2016 Final EA included (1) building demolition; (2) new building construction, including an approximately 12,000 gross square feet (gsf) Science Support Building, a new Transshipping and Receiving Area at approximately 2,500 gsf and two new Office Support Buildings at approximately 8,000 gsf and 6,000 gsf; (3) expansion and relocation of parking on campus; and (4) the creation of an additional point of access to the campus and pedestrian improvements. The 2016 Final EA concluded that no significant impacts to the human or natural environment would result and HHS/CDC issued a FONSI.

Since completion of the 2016 Final EA and FONSI, HHS/CDC proposed changes to the Proposed Action. HHS/CDC has revised the EA to include the installation of a photovoltaic system within the northern portion of the campus. The photovoltaic system would consist of a 249.9-kilowat (KW) ground-mounted solar array covering an area of approximately 41,750 sf (0.99 acre). The proposed photovoltaic system would provide the Lawrenceville Campus with a renewable energy source in order to comply with federal renewable energy mandates.

The revised EA evaluates the potential environmental impacts of the proposed photovoltaic system, along with the proposed improvements identified in the 2016 Final EA. Potential impacts of the No Build and the Build Alternative are evaluated on the following resource categories: Socioeconomics; land use; zoning; public policy; community facilities; transportation; air quality; noise; cultural resources; urban design and visual resources; natural resources; utilities; waste; and greenhouse gases and sustainability.

Dated: September 18, 2017.

Lauren Hoffman,

Acting Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2017–20104 Filed 9–21–17; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–3343–FN]

Medicare and Medicaid Programs; Continued Approval of the American Osteopathic Association/Healthcare Facilities Accreditation Program's (AOA/HFAP's) Ambulatory Surgical Center Accreditation Program

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Final notice.

SUMMARY: This final notice announces our decision to approve the American Osteopathic Association/Healthcare Facilities Accreditation Program (AOA/HFAP) for continued recognition as a national accrediting organization for ambulatory surgical centers (ASCs) that wish to participate in the Medicare or Medicaid programs.

DATES: This final notice is effective September 22, 2017 through September 22, 2023.

FOR FURTHER INFORMATION CONTACT: Monda Shaver, (410) 786–3410, Erin McCoy, (410) 786–2337, or Patricia Chmielewski, (410) 786–6899.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Medicare program, eligible beneficiaries may receive covered services in an ambulatory surgical center (ASC) provided certain requirements are met. Sections

1832(a)(2)(F)(i) of the Social Security Act (the Act) establishes distinct criteria for facilities seeking designation as an ASC. Regulations concerning provider agreements are at 42 CFR part 489 and those pertaining to activities relating to the survey and certification of facilities are at 42 CFR part 488. The regulations at 42 CFR part 416, specify the conditions that an ASC must meet in order to participate in the Medicare program, the scope of covered services and the conditions for Medicare payment for ASCs.

Generally, to enter into an agreement, an ASC must first be certified as complying with the conditions set forth in Part 416 and recommended to the Centers of Medicare & Medicaid Services (CMS) for participation by a state survey agency. Thereafter, the ASC is subject to periodic surveys by a state survey agency to determine whether it continues to meet these conditions. However, there is an alternative to certification surveys by state agencies. Accreditation by a nationally recognized Medicare accreditation program approved by CMS may substitute for both initial and ongoing state review.

Section 1865(a)(1) of the Act provides that, if the Secretary of the Department of Health and Human Services (the Secretary) finds that accreditation of a provider entity by an approved national accrediting organization meets or exceeds all applicable Medicare conditions, we may treat the provider entity as having met those conditions, that is, we may ''deem'' the provider entity to be in compliance. Accreditation by an accrediting organization is voluntary and is not required for Medicare participation.

Part 488, subpart A, implements the provisions of section 1865 of the Act and requires that a national accrediting organization applying for approval of its Medicare accreditation program must provide CMS with reasonable assurance that the accrediting organization requires its accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of accrediting organizations are set forth at § 488.5.

II. Application Approval Process

Section 1865(a)(3)(A) of the Act provides a statutory timetable to ensure that our review of applications for CMS approval of an accreditation program is conducted in a timely manner. The Act provides us 210 days after the date of receipt of a complete application, with any documentation necessary to make the determination, to complete our survey activities and application process. Within 60 days after receiving a complete application, we must publish a notice in the **Federal Register** that identifies the national accrediting body making the request, describes the request, and provides no less than a 30-day public comment period. At the end of the 210-day period, we must publish a notice in the **Federal Register** approving or denying the application.

III. Provisions of the Proposed Notice

On June 13, 2017, we published a proposed notice (82 FR 27067) in the **Federal Register**, announcing AOA/HFAP's request for continued approval of its Medicare ASC accreditation program. In the proposed notice, we detailed our evaluation criteria. Under section 1865(a)(2) of the Act and in our regulations at § 488.5, we conducted a review of AOA/HFAP's Medicare ASC accreditation renewal application in accordance with the criteria specified by our regulations, which include, but are not limited to the following:

- An onsite administrative review of AOA/HFAP's: (1) Corporate policies; (2) financial and human resources available to accomplish the proposed surveys; (3) procedures for training, monitoring and evaluation of its ASC surveyors; (4) ability to investigate and respond appropriately to complaints against accredited ASCs; and (5) survey review and decision-making process for accreditation.
- The comparison of AOA/HFAP's Medicare ASC accreditation program standards to our current Medicare ASC condition of coverage (CfC's).
- A documentation review of ASC's survey process to:

++ Determine the composition of the survey team, surveyor qualifications, and AOA/HFAP's ability to provide continuing surveyor training.

++ Compare AOA/HFAP's processes to those we require of state survey agencies, including periodic resurvey and the ability to investigate and respond appropriately to complaints against accredited ASCs.

++ Evaluate AOA/HFAP's procedures for monitoring ASCs found to be out of compliance with AOA/HFAP's program requirements. (This pertains only to monitoring procedures when AOA/HFAP identifies non-compliance. If noncompliance is identified by a state survey agency through a validation survey, the state survey agency monitors corrections as specified at § 488.9(c).)

++ Assess AOA/HFAP's ability to report deficiencies to the surveyed ASC and respond to the ASCs plan of correction in a timely manner.

++ Establish AOA/HFAP's ability to provide CMS with electronic data and reports necessary for effective validation and assessment of the organization's survey process.

++ Determine the adequacy of AOA/HFAP's staff and other resources.

++ Confirm AOA/HFAP's ability to provide adequate funding for performing required surveys.

++ Confirm AOA/HFAP's policies with respect to surveys being unannounced.

++ Obtain AOA/HFAP's agreement to provide CMS with a copy of the most current accreditation survey, along with any other information related to the survey as we may require, including corrective action plans.

In accordance with section 1865(a)(3)(A) of the Act, the June 13, 2017 proposed notice also solicited public comments regarding whether AOA/HFAP's requirements met or exceeded the Medicare CfCs for ASCs. We received 2 comments in response to our proposed notice. All of the comments received expressed unanimous support for AOA/HFAP's ASC accreditation program.

IV. Provisions of the Final Notice

A. Differences Between AOA/HFAP's Standards and Requirements for Accreditation and Medicare Conditions and Survey Requirements

We compared AOA/HFAP's ASC accreditation program requirements and survey process with the Medicare CfCs at 42 CFR part 416, and the survey and certification process requirements of Parts 488 and 489. Our review and evaluation of AOA/HFAP's ASC application, which were conducted as described in section III of this final notice, yielded the following areas where, as of the date of this notice, AOA/HFAP has revised its standards and certification processes in order to meet the requirements at:

- Section 416.2, to ensure its standards appropriately reference § 416.2 and Part 416 subparts B and C.
- Section 416.25, to ensure its standards to require facilities meet the definition at § 416.2.
- Section 416.41(b)(3)(i), to ensure its standards appropriately reference § 416.41(b)(2).
- Section 416.41(b)(3)(ii), to ensure its standards appropriately reference § 416.41(b)(2).
- Section 416.42(b)(2), to ensure its standards appropriately reference § 416.42(c)
- Section 416.49(b)(2), to ensure standards appropriately reference § 416.49(c).
- Section 416.50(a), to ensure its standards appropriately reference § 416.50.

- Section 416.50(b), to ensure its standards appropriately reference Part 420.
- Section 488.5(a)(4)(ii), to ensure AOA/HFAP's surveyors review the minimum number of medical records as specified by CMS and AOA/HFAP policy.
- Section 488.5(a)(4)(iv), to ensure each that all observations of non-compliance are documented in the survey report.
- Section 488.5(a)(7) through (9), to ensure AOA/HFAP complies with its policy and criteria for surveyor qualifications, education and evaluation system to monitor the performance of surveyors and teams.
- Section 488.26(b), to ensure AOA/HFAP cites findings of observed non-compliance at the appropriate level (condition versus standard level).

B. Term of Approval

Based on our review and observations described in section III of this final notice, we approve AOA/HFAP as a national accreditation organization for ASCs that request participation in the Medicare program, effective September 22, 2017 through September 22, 2023.

V. 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: September 14, 2017.

Seema Verma,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 2017–20281 Filed 9–21–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers CMS–R–185, CMS–718–721, CMS–10123/–10124, CMS–10142, and CMS–R–262]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by November 21, 2017.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–R–185 Granting and Withdrawal of Deeming Authority to Private Nonprofit Accreditation Organizations and CLIA Exemption under State Laboratory Programs

CMS–718–721 Business Proposal Forms for Quality Improvement Organizations (QIOs)

CMS–10123/–10124 Fast Track Appeals Notices: NOMNC/DENC

CMS–10142 Bid Pricing Tool (BPT) for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP)

CMS–R–262 Contract Year 2019 Plan Benefit Package (PBP) Software and Formulary Submission

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of currently approved collection; *Title of Information Collection:* Granting and Withdrawal of Deeming Authority to Private Nonprofit Accreditation Organizations and CLIA Exemption Under State Laboratory Programs; *Use:* The information required is necessary to determine whether a private accreditation organization/State licensure program standards and accreditation/licensure process is at least equal to or more stringent than those of the Clinical Laboratory Improvement Amendments of 1988 (CLIA). If an accreditation organization is approved, the laboratories that it

accredits are ''deemed'' to meet the CLIA requirements based on this accreditation. Similarly, if a State licensure program is determined to have requirements that are equal to or more stringent than those of CLIA, its laboratories are considered to be exempt from CLIA certification and requirements. The information collected will be used by HHS to: Determine comparability/equivalency of the accreditation organization standards and policies or State licensure program standards and policies to those of the CLIA program; to ensure the continued comparability/equivalency of the standards; and to fulfill certain statutory reporting requirements. *Form No.:* CMS–R–185 (OMB control number: 0938–0686); *Frequency:* Occasionally; *Affected Public:* Private Sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 12; *Total Annual Responses:* 96; *Total Annual Hours:* 384. (For policy questions regarding this collection contact Arlene Lopez at 410–786–6782.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Business Proposal Forms for Quality Improvement Organizations (QIOs); *Use:* The submission of proposal information by current quality improvement associations (QIOs) and other bidders, on the appropriate forms, will satisfy our need for meaningful, consistent, and verifiable data with which to evaluate contract proposals. We use the data collected on the forms associated with this information collection request to negotiate QIO contracts. We will be able to compare the costs reported by the QIOs on the cost reports to the proposed costs noted on the business proposal forms. Subsequent contract and modification negotiations will be based on historic cost data. The business proposal forms will be one element of the historical cost data from which we can analyze future proposed costs. In addition, the business proposal format will standardize the cost proposing and pricing process among all QIOs. With well-defined cost centers and line items, proposals can be compared among QIOs for reasonableness and appropriateness. *Form Number:* CMS–718–721 (OMB control number: 0938–0579); *Frequency:* Annually; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 20; *Total Annual Responses:* 20; *Total Annual Hours:* 1,000. (For policy questions regarding this collection contact Benjamin Bernstein at 410–786–6570.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Fast Track Appeals Notices: NOMNC/DENC; *Use:* Providers shall deliver a Notice of Medicare (Provider) Non-Coverage (NOMNC) to beneficiaries, enrollees, or both beneficiaries and enrollees no later than two days prior to the end of Medicare-covered services in skilled nursing facilities, home health agencies, comprehensive outpatient rehabilitation facilities, and hospices. Beneficiaries, enrollees or both beneficiaries and enrollees will use this information to determine whether they want to appeal the service termination to their Quality Improvement Organization (QIO). If the beneficiaries, enrollees or both beneficiaries decide to appeal, the Medicare provider or health plan will send the QIO and appellant a Detailed Explanation of Non-Coverage (DENC) detailing the rationale for the termination decision. *Form Number:* CMS–10123 and CMS–10124 (OMB control number: 0938–0953); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 28,177; *Total Annual Responses:* 6,017,832; *Total Annual Hours:* 1,111,196. (For policy questions regarding this collection contact Janet Miller at 404–562–1799.)

4. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Bid Pricing Tool (BPT) for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP); *Use:* We require that Medicare Advantage organizations and Prescription Drug Plans complete the BPT as part of the annual bidding process. During this process, organizations prepare their proposed actuarial bid pricing for the upcoming contract year and submit them to us for review and approval. The purpose of the BPT is to collect the actuarial pricing information for each plan. The BPT calculates the plan's bid, enrollee premiums, and payment rates. We publish beneficiary premium information using a variety of formats (*www.medicare.gov,* the Medicare & You handbook, Summary of Benefits marketing information) for the purpose of beneficiary education and enrollment. *Form Number:* CMS–10142 (OMB control number: 0938–0944); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 555; *Total Annual Responses:* 4,995; *Total Annual Hours:* 149,850. (For policy questions regarding this collection contact Rachel Shevland at 410–786–3026.)

5. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Contract Year 2019 Plan Benefit Package (PBP) Software and Formulary Submission; *Use:* We require that Medicare Advantage and Prescription Drug Plan organizations submit a completed PBP and formulary as part of the annual bidding process. During this process, organizations prepare their proposed plan benefit packages for the upcoming contract year and submit them to us for review and approval. We publish beneficiary education information using a variety of formats. The specific education initiatives that utilize PBP and formulary data include web application tools on *www.medicare.gov* and the plan benefit insert in the Medicare & You handbook. In addition, organizations utilize the PBP data to generate their Summary of Benefits marketing information. *Form Number:* CMS–R–262 (OMB control number 0938–0763); *Frequency:* Yearly; *Affected Public:* Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 520; *Total Annual Responses:* 5,675; *Total Annual Hours:* 54,550. (For policy questions regarding this collection contact Kristy Holtje at 410–786–2209.)

Dated: September 19, 2017.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2017–20290 Filed 9–21–17; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0275]

Agency Information Collection Activities; Proposed Collection; Comment Request; Certification To Accompany Drug, Biological Product, and Device Applications or Submissions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the

Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the requirements for certain FDA applications or submissions to be accompanied by a certification, Form FDA 3674, to ensure all applicable statutory requirements have been met.

DATES: Submit either electronic or written comments on the collection of information by November 21, 2017.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before November 21, 2017. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of November 21, 2017. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2011–N–0275 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Certification to Accompany Drug, Biological Product, and Device Applications or Submissions.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Certification To Accompany Drug, Biological Product, and Device Applications or Submissions (Form FDA 3674)

OMB Control Number 0910–0616—Extension

The information required under section 402(j)(5)(B) of the Public Health Service Act (PHS Act) (42 U.S.C.

282(j)(5)(B)) is submitted in the form of a certification, Form FDA 3674, which accompanies applications and submissions currently submitted to FDA and already approved by OMB. The OMB control numbers and expiration dates for those applications and submissions are: 21 CFR parts 312 and 314 (human drugs), OMB control number 0910–0014, expiring February 28, 2019, and OMB control number 0910–0001, expiring December 31, 2017; 21 CFR parts 312 and 601 (biological products), OMB control number 0910–0014, expiring February 28, 2019, and OMB control number 0910–0338, expiring March 31, 2020; 21 CFR parts 807 and 814 (devices), OMB control number 0910–0120, expiring June 30, 2020, and OMB control number 0910–0231, expiring March 31, 2020.

Title VIII of the Food and Drug Administration Amendments Act of 2007 (FDAAA) (Pub. L. 110–85) amended the PHS Act by adding section 402(j). The provisions broadened the scope of clinical trials subject to submitting information and required additional information to be submitted to the clinical trials databank (*https://clinicaltrials.gov/*) (FDA has verified the Web site address, but FDA is not responsible for any subsequent changes to the Web site after this document publishes in the **Federal Register**) previously established by the National Institutes of Health (NIH)/National Library of Medicine. This includes expanded information on applicable clinical trials and summary information on the results of certain clinical trials. The provisions include responsibilities for FDA as well as several amendments to the Federal Food, Drug, and Cosmetic Act (the FD&C Act).

One provision, section 402(j)(5)(B) of the PHS Act, requires that a certification accompany human drug, biological, and device product submissions made to FDA. Specifically, at the time of submission of an application under sections 505, 515, or 520(m) of the FD&C Act (21 U.S.C. 355, 360e, or 360j(m)), or under section 351 of the PHS Act (42 U.S.C. 262), or submission of a report under section 510(k) of the FD&C Act (21 U.S.C. 360(k)), such application or submission must be accompanied by a certification, Form FDA 3674, that all applicable requirements of section 402(j) of the PHS Act have been met. Where available, such certification must include the appropriate National Clinical Trial (NCT) numbers that are assigned upon submission of required information to the NIH databank at *https://clinicaltrials.gov/.*

The proposed extension of the collection of information is necessary to satisfy the previously mentioned statutory requirement. The importance of obtaining these data relates to adherence to the legal requirements for submissions to the clinical trials registry and results data bank and ensuring that individuals and organizations submitting applications or reports to FDA under the listed provisions of the FD&C Act or the PHS Act adhere to the appropriate legal and regulatory requirements for certifying to having complied with those requirements. The failure to submit the certification required by section 402(j)(5)(B) of the PHS Act, and the knowing submission of a false certification, are both prohibited acts under section 301 of the FD&C Act (21 U.S.C. 331). Violations are subject to civil money penalties. The Form FDA 3674 provides a convenient mechanism for sponsors/applicants/submitters to satisfy the certification requirements of the statutory provision.

To assist sponsors/applicants/submitters in understanding the statutory requirements associated with Form FDA 3674, we have provided a guidance available at: *https://www.fda.gov/RegulatoryInformation/Guidances/ucm125335.htm.* This guidance recommends the applications and submissions FDA considers should be accompanied by the certification form, Form FDA 3674. The applications and submissions identified in the guidance are reflected in the burden analysis. In 2017, we updated the guidance to include references to the NIH Final Rule implementing 402(j) of the PHS Act (42 U.S.C. 282(j)). The Final Rule, published on September 21, 2016 (42 CFR part 11), clarifies the requirements for submission of clinical trial information to *https://clinicaltrials.gov/.*

Investigational New Drug Applications. FDA's Center for Drug Evaluation and Research (CDER) received 1,669 investigational new drug applications (INDs) and 15,285 clinical protocol IND amendments in calendar year (CY) 2016. CDER anticipates that IND and clinical protocol amendment submission rates will remain at or near this level in the near future.

FDA's Center for Biologics Evaluation and Research (CBER) received 381 new INDs and 456 clinical protocol IND amendments in CY 2016. CBER anticipates that IND and clinical protocol amendment submission rates will remain at or near this level in the near future. The estimated total number of submissions (new INDs and new protocol submissions) subject to mandatory certification requirements under section 402(j)(5)(B) of the PHS Act, is 16,954 for CDER plus 837 for CBER, or 17,791 submissions per year. The minutes per response is the estimated number of minutes that a respondent would spend preparing the information to be submitted to FDA under section 402(j)(5)(B) of the PHS Act, including the time it takes to enter the necessary information on the form.

Based on its experience with current submissions, FDA estimates that approximately 15 minutes on average would be needed per response for certifications that accompany IND applications and clinical protocol amendment submissions. It is assumed that most submissions to investigational applications will reference only a few protocols for which the sponsor/applicant/submitter has obtained a NCT number from *https://clinicaltrials.gov/* prior to making the submission to FDA. It is also assumed that the sponsor/applicant/submitter has electronic capabilities allowing them to retrieve the information necessary to complete the form in an efficient manner.

Marketing Applications/Submissions. In CY 2016, CDER and CBER received 252 new drug applications (NDA)/biologics license applications (BLA)/resubmissions and 1,067 NDA/BLA amendments for which certifications are needed. CDER and CBER received 253 efficacy supplements/resubmissions to previously approved NDAs/BLAs in CY 2016. CDER and CBER anticipate that new drug/biologic applications/resubmissions and efficacy supplement submission rates will remain at or near this level in the near future.

FDA's Center for Devices and Radiological Health (CDRH) received a total of 330 new applications for premarket approvals (PMA), 510(k) submissions containing clinical information, PMA supplements, applications for humanitarian device exemptions (HDE) and amendments in CY 2016. CDRH anticipates that application, amendment, supplement, and annual report submission rates will remain at or near this level in the near future.

FDA's Office of Generic Drugs (OGD) received 1,036 abbreviated new drug applications (ANDAs) in 2016. OGD received 698 bioequivalence amendments/supplements in 2016. OGD anticipates that application, amendment, and supplement submission rates will remain at or near this level in the near future.

Based on its experience reviewing NDAs, BLAs, PMAs, HDEs, 510(k)s, and ANDAs and experience with current submissions of Form FDA 3674, FDA estimates that approximately 45 minutes

on average would be needed per response for certifications which accompany NDA, BLA, PMA, HDE, 510(k), and ANDA marketing applications and submissions. It is assumed that the sponsor/applicant/submitter has electronic capabilities allowing them to retrieve the information necessary to complete the form in an efficient manner.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

FDA center activity	Number of respondents (investigational applications)	Number of respondents (marketing applications)	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
CDER						
New Applications (IND)	1,669		1	1,669	0.25 (15 minutes)	417
Clinical Protocol Amendments (IND).	15,285		1	15,285	0.25 (15 minutes)	3,821
New Marketing Applications/Resubmissions (NDA/BLA).		198	1	198	0.75 (45 minutes)	149
Clinical Amendments to Marketing Applications.		1,067	1	1,067	0.75 (45 minutes)	800
Efficacy Supplements/Resubmissions.		219	1	219	0.75 (45 minutes)	164
CBER						
New Applications (IND)	381		1	381	0.25 (15 minutes)	95
Clinical Protocol Amendments (IND).	456		1	456	0.25 (15 minutes)	114
New Marketing Applications/Resubmissions (NDA/BLA).		54	1	54	0.75 (45 minutes)	41
Clinical Amendments to Marketing Applications.		0	1	0	0.75 (45 minutes)	0
Efficacy Supplements/Resubmissions (BLA only).		34	1	34	0.75 (45 minutes)	26
CDRH						
New Marketing Applications (includes PMAs, HDEs, Supplements and 510(k)s expected to contain clinical data).		330	1	330	0.75 (45 minutes)	247
OGD						
Original Applications		1,036	1		0.75 (45 minutes)	777
Bioequivalence Supplements/Amendments.		698	1		0.75 (45 minutes)	524
Total						7,175

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 15, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–20227 Filed 9–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0622]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Color Additive Certification Requests and Recordkeeping

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by October 23, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0216. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Color Additive Certification Requests and Recordkeeping—21 CFR Part 80

OMB Control Number 0910–0216—Extension

We have regulatory oversight for color additives used in foods, drugs, cosmetics, and medical devices. Section 721(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379e(a)) provides that a color additive shall be deemed to be unsafe unless it meets the requirements of a listing regulation, including any requirement for batch certification, and is used in accordance with the regulation. We list color additives that have been shown to be safe for their intended uses in Title 21 of the Code of Federal Regulations (CFR). We require batch certification for all color additives listed in 21 CFR part 74 and for all color additives provisionally listed in 21 CFR part 82. Color additives listed in 21 CFR part 73 are exempted from certification.

The requirements for color additive certification are described in 21 CFR part 80. In the certification procedure, a representative sample of a new batch of color additive, accompanied by a ''request for certification'' that provides information about the batch, must be submitted to FDA's Office of Cosmetics and Colors. FDA personnel perform chemical and other analyses of the representative sample and, providing the sample satisfies all certification requirements, issue a certification lot number for the batch. We charge a fee for certification based on the batch weight and require manufacturers to keep records of the batch pending and after certification.

Under § 80.21, a request for certification must include: Name of color additive, manufacturer's batch number and weight in pounds, name and address of manufacturer, storage conditions, statement of use(s), certification fee, and signature of person requesting certification. Under § 80.22, a request for certification must include a sample of the batch of color additive that is the subject of the request. The sample must be labeled to show: Name of color additive, manufacturer's batch number and quantity, and name and address of person requesting certification. Under § 80.39, the person to whom a certificate is issued must keep complete records showing the disposal of all of the color additive covered by the certificate. Such records are to be made available upon request to any accredited representative of FDA until at least 2 years after disposal of all of the color additive.

The purpose for collecting this information is to help us assure that only safe color additives will be used in foods, drugs, cosmetics, and medical devices sold in the United States. The required information is unique to the batch of color additive that is the subject of a request for certification. The manufacturer's batch number is used for temporarily identifying a batch of color additive until FDA issues a certification lot number and for identifying a certified batch during inspections. The manufacturer's batch number also aids in tracing the disposal of a certified batch or a batch that has been denied certification for noncompliance with the color additive regulations. The manufacturer's batch weight is used for assessing the certification fee. The batch weight also is used to account for the disposal of a batch of certified or certification-denied color additive. The batch weight can be used in a recall to determine whether all unused color additive in the batch has been recalled. The manufacturer's name and address and the name and address of the person requesting certification are used to contact the person responsible should a question arise concerning compliance with the color additive regulations. Information on storage conditions pending certification is used to evaluate whether a batch of certified color additive is inadvertently or intentionally altered in a manner that would make the sample submitted for certification analysis unrepresentative of the batch. We check storage information during inspections. Information on intended uses for a batch of color additive is used to assure that a batch of certified color additive will be used in accordance with the requirements of its listing regulation. The statement of the fee on a certification request is used for accounting purposes so that a person requesting certification can be notified promptly of any discrepancies.

In the **Federal Register** of June 14, 2017 (82 FR 27259), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section/activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
80.21; Request for Certification	38	198	7,524	0.17 (10 minutes)	1,279
80.22; Sample to Accompany Request	38	198	7,524	0.05 (3 minutes)	376
Total				0.22 (13 minutes)	1,655

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section/activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
80.39; Record of Distribution	38	198	7,524	.25 (15 minutes)	1,881

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We base our estimate on our review of the certification requests received over the past 3 fiscal years (FY). The annual burden estimate for this information collection is 3,536 hours. The estimated reporting burden for this information collection is 1,655 hours and the estimated recordkeeping burden for this information collection is 1,881 hours. From FY 2014 to FY 2016, we processed an average of 7,524 responses (requests for certification of batches of color additives) per year. There were 38 different respondents, corresponding to an average of approximately 198 responses from each respondent per year. Using information from industry personnel, we estimate that an average of 0.22 hour per response is required for reporting (preparing certification requests and accompanying samples) and an average of 0.25 hour per response is required for recordkeeping.

FDA's web-based Color Certification information system allows submitters to request color certification online, follow their submissions through the process, and obtain information on account status. The system sends back the certification results electronically, allowing submitters to sell their certified color before receiving hardcopy certificates. Any delays in the system result only from shipment of color additive samples to FDA's Office of Cosmetics and Colors for analysis.

Dated: September 15, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–20245 Filed 9–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–N–0501]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Third Party Disclosure and Recordkeeping Requirements for Reportable Food

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by October 23, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0643. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Third Party Disclosure and Recordkeeping Requirements for Reportable Food—21 U.S.C. 350f

OMB Control Number 0910–0643—Extension

The Federal Food, Drug, and Cosmetic Act (the FD&C Act), as amended by the Food and Drug Administration Amendments Act of 2007 (FDAAA) (Pub. L. 110–85), requires the establishment of a Reportable Food Registry (the Registry) by which instances of reportable food must be submitted to FDA by responsible parties and may be submitted by public health officials. Section 417 of the FD&C Act (21 U.S.C. 350f) defines ''reportable food'' as an ''article of food (other than infant formula) for which there is a reasonable probability that the use of, or exposure to, such article of food will cause serious adverse health consequences or death to humans or animals.'' (Section 417(a)(2) of the FD&C Act.) We believe that the most efficient and cost effective means to implement the Registry is by utilizing our electronic Safety Reporting Portal. The information collection provisions associated with the submission of reportable food reports has been approved under OMB control number 0910–0643.

In conjunction with the reportable foods requirements, section 417 of the FD&C Act also establishes third party disclosure and recordkeeping burdens. Specifically, we may require the responsible party to notify the immediate previous source(s) and/or immediate subsequent recipient(s) of a reportable food (section 417(d)(6)(B)(i) to (ii) of the FD&C Act). Similarly, we may also require the responsible party that is notified (*i.e.,* the immediate previous source and/or immediate subsequent recipient) to notify their own immediate previous source(s) and/or immediate subsequent recipient(s) of a reportable food (section 417(d)(7)(C)(i) to (ii) of the FD&C Act).

Notification to the immediate previous source(s) and immediate subsequent recipient(s) of the article of food may be accomplished by electronic communication methods such as email, fax, or text messaging or by telegrams, mailgrams, or first-class letters. Notification may also be accomplished by telephone call or other personal contacts but we recommend that such notifications also be confirmed by one of the previous methods and/or documented in an appropriate manner. We may require that the notification include any or all of the following data elements: (1) The date on which the article of food was determined to be a reportable food; (2) a description of the article of food including the quantity or amount; (3) the extent and nature of the adulteration; (4) the results of any investigation of the cause of the adulteration if it may have originated with the responsible party, if known; (5) the disposition of the article of food, when known; (6) product information typically found on packaging including product codes, use-by dates, and the names of manufacturers, packers, or distributors sufficient to identify the article of food; (7) contact information for the responsible party; (8) contact information for parties directly linked in the supply chain and notified under section 417(d)(6)(B) or 417(d)(7)(C) of the FD&C Act, as applicable; (9) the information required by FDA to be included in the notification provided by the responsible party involved under section 417(d)(6)(B) or 417(d)(7)(C) of the FD&C Act or required to report under section 417(d)(7)(A) of the FD&C Act; and (10) the unique number described in section 417(d)(4) of the FD&C Act (section 417(d)(6)(B)(iii)(I), (d)(7)(C)(iii)(I), and (e) of the FD&C Act). We may also require that the notification provides information about the actions that the recipient of the notification will perform and/or any other information we may require (section 417(d)(6)(B)(iii)(II) and (III), (d)(7)(C)(iii)(II) and (III) of the FD&C Act).

Section 417(g) of the FD&C Act requires that responsible persons

maintain records related to reportable foods for a period of 2 years.

The congressionally identified purpose of the Registry is to provide ''a reliable mechanism to track patterns of adulteration in food [which] would support efforts by the Food and Drug Administration to target limited inspection resources to protect the public health'' (FDAAA, section 1005(a)(4)). The reporting and recordkeeping requirements described previously are designed to enable FDA to quickly identify and track an article of food (other than infant formula) for which there is a reasonable probability that the use of or exposure to such article of food will cause serious adverse health consequences or death to humans or animals. We use the information collected under these provisions to help ensure that such products are quickly and efficiently removed from the market.

As required under section 1005(f) of FDAAA and to assist industry, we have issued the guidance document entitled, ''Questions and Answers Regarding the Reportable Food Registry as Established by the Food and Drug Administration Amendments Act of 2007,'' which is available at *https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm180761.htm.* The guidance contains questions and answers relating to the requirements under section 417 of the FD&C Act, including: (1) How, when, and where to submit reports to FDA; (2) who is required to submit reports to FDA; (3) what is required to be submitted to FDA; and (4) what may be required when providing notifications to other persons in the supply chain of an article of food. The guidance also refers to previously approved collections of information found in FDA regulations. The collections of information in questions 20 and 21 of the guidance have been approved under OMB control number 0910–0249.

Description of Respondents: Mandatory respondents to this collection of information are the owners, operators, or agents in charge of a domestic or foreign facility engaged in manufacturing, processing, packing, or holding food for consumption in the United States (''responsible parties'') who have information on a reportable food. Voluntary respondents to this collection of information are Federal, State, and local public health officials who have information on a reportable food.

In the **Federal Register** of June 7, 2017 (82 FR 26489), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity/section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Notifying immediate previous source of the article of food under section 417(d)(6)(B)(i) of the FD&C Act (mandatory reporters only).	1,200	1	1,200	0.6 (36 minutes)	720
Notifying immediate subsequent recipient of the article of food under section 417(d)(6)(B)(ii) of the FD&C Act (mandatory reporters only).	1,200	1	1,200	0.6 (36 minutes)	720
Notifying immediate previous source of the article of food under section 417(d)(7)(C)(i) of the FD&C Act (mandatory reporters only).	1	1,200	0.6 (36 minutes)	720.	
Notifying immediate subsequent recipient of the article of food under section 417(d)(7)(C)(ii) of the FD&C Act (mandatory reporters only).	1,200	1	1,200	0.6 (36 minutes)	720
Total	.....	.....	.....	.....	2,880

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Third Party Disclosure: We estimate that approximately 1,200 reportable food events with mandatory reporters will occur annually. Based on past FDA experiences, we estimate that we could receive 200 to 1,200 ''reportable'' food reports annually from 200 to 1,200 mandatory and voluntary users of the electronic reporting system. We utilized the upper-bound estimate of 1,200 for these calculations.

We estimate that notifying the immediate previous source(s) will take 0.6 hours per reportable food and notifying the immediate subsequent recipient(s) will take 0.6 hours per reportable food. We also estimate that it will take 0.6 hours for the immediate previous source and/or the immediate subsequent recipient to also notify their immediate previous source(s) and/or immediate subsequent recipient(s). The Agency bases its estimate on its experience with mandatory and voluntary reports submitted to FDA.

Although it is not mandatory under FDAAA, section 1005, that responsible persons notify the sources and recipients of instances of reportable food, for purposes of the burden estimate we are assuming FDA would exercise its authority and require such notifications in all such instances for mandatory reporters. This notification burden will not affect voluntary reporters of reportable food events. Therefore, we estimate that the total burden of notifying the immediate previous source(s) and immediate subsequent recipient(s) under section 417(d)(6)(B)(i) and (ii), (d)(7)(C)(i) and (ii) of the FD&C Act for 1,200 reportable foods will be 2,880 hours annually (1,200 × 0.6 hours) + (1,200 × 0.6 hours) + (1,200 × 0.6 hours) + (1,200 × 0.6 hours). This annual burden is shown in table 1.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity/section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Maintenance of reportable food records under section 417(g) of the FD&C Act—mandatory reports.	1,200	1	1,200	0.25 (15 minutes)	300
Maintenance of reportable food records under section 417(g) of the FD&C Act—voluntary reports.	4	1	4	0.25 (15 minutes)	1
Total	.....	.....	.....	.....	301

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Recordkeeping: As noted previously, section 417(g) of the FD&C Act requires that responsible persons maintain records related to reportable foods reports and notifications under section 417 of the FD&C Act for a period of 2 years. Based on past FDA experiences, we estimate that each mandatory report and its associated notifications will require 30 minutes of recordkeeping for the 2-year period, or 15 minutes per record per year. The annual recordkeeping burden for mandatory reportable food reports and their associated notifications is thus estimated to be 300 hours ($1,200 \times 0.25$ hours).

We do not expect that records will always be kept in relation to voluntary reportable food reports. Therefore, we estimate that records will be kept for four voluntary reports we expect to receive annually. The recordkeeping burden associated with voluntary reports is thus estimated to be 1 hour annually (4×0.25 hours). The estimated total annual recordkeeping burden will be 301 hours annually ($1,200 \times 0.25$ hours) + (4×0.25 hours). This annual burden is shown in table 2.

Dated: September 19, 2017.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2017–20283 Filed 9–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0019]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Customer/Partner Service Surveys

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by October 23, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0360. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Customer/Partner Service Surveys

OMB Control Number 0910–0360—Extension

Under section 903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393), FDA is authorized to conduct research and public information programs about regulated products and responsibilities of the Agency. Executive Order 12862, entitled, ''Setting Customer Service Standard,'' directs Federal Agencies that ''provide significant services directly to the public'' to ''survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services.'' FDA is seeking OMB clearance to conduct a series of surveys to implement Executive Order 12862. Participation in the surveys is voluntary. This request covers customer/partner service surveys of regulated entities, such as food processors; cosmetic drug, biologic and medical device manufacturers; consumers; and health professionals. The request also covers ''partner'' (State and local governments) customer service surveys.

FDA will use the information from these surveys to identify strengths and weaknesses in service to customers/partners and to make improvements. The surveys will measure timeliness, appropriateness and accuracy of information, and courtesy and problem resolution in the context of individual programs.

FDA estimates conducting 15 customer/partner service surveys per year, each requiring an average of 15 minutes for review and completion. We estimate respondents to these surveys to be between 100 and 20,000 customers. Some of these surveys will be repeats of earlier surveys for purposes of monitoring customer/partner service and developing long-term data.

In the **Federal Register** of June 7, 2017 (82 FR 26497), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Type of survey	Number of respondents	Annual frequency per response	Hours per response	Total hours
Mail, telephone, web-based	55,000	1	.25 (15 minutes)	13,750

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: September 15, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–20246 Filed 9–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–D–5525]

Statistical Approaches To Evaluate Analytical Similarity; Draft Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a draft guidance for industry entitled ''Statistical Approaches to Evaluate Analytical Similarity.'' This draft guidance, when finalized, will provide advice on the evaluation of analytical similarity to sponsors interested in developing biosimilar products. Specifically, this draft guidance describes the type of information a sponsor of a proposed biosimilar product should obtain about the structural/physicochemical and functional attributes of the reference product, how that information is used in the development of an analytical similarity assessment plan for the proposed biosimilar, and the statistical approaches recommended for evaluating analytical similarity.

DATES: Submit either electronic or written comments on the draft guidance by November 21, 2017 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2017–D–5525 for ''Statistical Approaches to Evaluate Analytical Similarity; Draft Guidance for Industry; 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 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.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)). Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY**

INFORMATION section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Scott N. Goldie, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 301–796–2055, or the Office of Communication, Outreach, and Development, Center for Biologics Evaluation and Research, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 800–835–4709 or 240–402–8010.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Statistical Approaches to Evaluate Analytical Similarity.'' This draft guidance, when finalized, will provide advice on the evaluation of analytical similarity to sponsors interested in developing biosimilar products for licensure under section 351(k) of the Public Health Service Act (PHS Act) (42 U.S.C. 262(k)). This evaluation is performed to support a demonstration that the proposed biosimilar is highly similar to a reference product licensed under section 351(a) of the PHS Act.

Specifically, this draft guidance, when finalized, will describe the type of information that the sponsor of a proposed biosimilar product should obtain about the structural/physicochemical and functional attributes of the reference product, how that information is used in the development of an analytical similarity assessment plan for the proposed biosimilar, and the statistical approaches recommended for evaluating analytical similarity.

The Biologics Price Competition and Innovation Act of 2009 (BPCI Act) created an abbreviated licensure pathway under section 351(k) of the PHS Act for biological products shown to be biosimilar to or interchangeable with a U.S.-licensed biological reference product (see sections 7001 through 7003 of Pub. L. 111–148). As described in section 351(k)(2)(A)(i)(I)(aa) of the PHS Act, an application for a proposed biosimilar product must include information demonstrating biosimilarity based on data derived from, among other things, ''analytical studies that demonstrate that the biological product is highly similar to the reference product notwithstanding minor differences in clinically inactive components.''

This draft guidance is one in a series of guidance documents intended to implement the BPCI Act. It serves as a companion document to the guidance for industry entitled ''Quality Considerations in Demonstrating Biosimilarity of a Therapeutic Protein Product to a Reference Product'' (April 30, 2015, 80 FR 24257). The Quality Considerations guidance describes the Agency's recommendations to sponsors on the scientific and technical information, including the analytical studies to support a demonstration that a proposed biosimilar is highly similar to the U.S.-licensed reference product, for the chemistry, manufacturing, and controls section of a marketing application for a proposed biosimilar product.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on statistical approaches to evaluating analytical similarity. 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.

II. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). This includes information collections related to: (1) The submission of an investigational new drug application, which is covered under 21 CFR part 312 and approved under OMB control number 0910–0014; (2) the submission of a new drug application, which is covered under 21 CFR 314.50 and approved under OMB control number 0910–0001; (3) the submission of a biologics license application under section 351(k) of the PHS Act, which is covered under 21 CFR part 601 and approved under OMB control number 0910–0719; and (4) meetings between FDA and applicants or sponsors of a biologics license application under section 351(k) of the PHS Act, which is approved under OMB control number 0910–0802.

III. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: September 15, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–20263 Filed 9–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–0001]

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Vaccines and Related Biological Products Advisory Committee (VRBPAC). The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public.

DATES: The meeting will be held on November 7, 2017, from 8:30 a.m. to 5 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. For those unable to attend in person, the meeting will also be webcast and will be available at the following link: *https://collaboration.fda.gov/cbervrbpac2017.* Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.*

FOR FURTHER INFORMATION CONTACT: Serina Hunter-Thomas, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6307C, Silver Spring, MD 20993–0002, 240–402–5771, *serina.hunter-thomas@fda.hhs.gov;* or Rosanna Harvey, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6336, Silver Spring, MD 20993–0002, 240–402–8072, *rosanna.harvey@fda.hhs.gov;* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute

modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: On November 7, 2017, the committee will meet in an open session to discuss and make recommendations on the clinical development plan for Pfizer's investigational *Staphylococcus aureus* vaccine intended for pre-surgical prophylaxis in elective orthopedic surgical populations.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before October 31, 2017. Oral presentations from the public will be scheduled between approximately 1:15 p.m. and 2:15 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before October 23, 2017. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by October 24, 2017.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Serina Hunter-Thomas at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 15, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–20240 Filed 9–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0016]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Recordkeeping and Records Access Requirements for Food Facilities

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by October 23, 2017.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0560. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Recordkeeping and Records Access Requirements for Food Facilities—21 CFR 1.337, 1.345, and 1.352

OMB Control Number 0910–0560—Extension

The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the Bioterrorism Act) added section 414 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 350c), which requires that persons who manufacture, process, pack, hold, receive, distribute, transport, or import food in the United States establish and maintain records identifying the immediate previous sources and immediate subsequent recipients of food. Sections 1.326 through 1.363 of our regulations (21 CFR 1.326 through 1.363) set forth the requirements for recordkeeping and records access. The requirement to establish and maintain records improves our ability to respond to, and further contain, threats of serious adverse health consequences or death to humans or animals from accidental or deliberate contamination of food.

Information maintained under these regulations will help us identify and locate quickly contaminated or potentially contaminated food and inform the appropriate individuals and food facilities of specific terrorist threats. Our regulations require that records for non-transporters include the name and full contact information of sources, recipients, and transporters; an adequate description of the food, including the quantity and packaging; and the receipt and shipping dates (§§ 1.337 and 1.345). Required records for transporters include the names of consignor and consignee, points of origin and destination, date of shipment, number of packages, description of freight, route of movement and name of each carrier participating in the transportation, and transfer points through which shipment moved (§ 1.352). Existing records may

be used if they contain all of the required information and are retained for the required time period.

Section 101 of the FDA Food Safety Modernization Act (FSMA) (Pub. L. 111–353) amended section 414(a) of the FD&C Act and expanded our access to records. Specifically, FSMA expanded our access to records beyond records relating to the specific suspect article of food to records relating to any other article of food that we reasonably believe is likely to be affected in a similar manner. In addition, we can access records if we believe that there is a reasonable probability that the use of or exposure to an article of food, and any other article of food that we reasonably believe is likely to be affected in a similar manner, will cause serious adverse health consequences or death to humans or animals. To gain access to these records, our officer or employee must present appropriate credentials and a written notice, at reasonable times and within reasonable limits and in a reasonable manner.

On February 23, 2012, we issued an interim final rule in the **Federal Register** (77 FR 10658) (the 2012 IFR) amending § 1.361 to be consistent with the current statutory language in section 414(a) of the FD&C Act, as amended by section 101 of FSMA. In the 2012 IFR, we concluded that the information collection provisions of § 1.361 were exempt from OMB review under 44 U.S.C. 3518(c)(1)(B)(ii) and 5 CFR 1320.4(a)(2) as collections of information obtained during the conduct of a civil action to which the United States or any official or agency thereof is a party, or during the conduct of an administrative action, investigation, or audit involving an agency against specific individuals or entities (77 FR 10658 at 10661). The interim final rule was made final, without change, on April 4, 2014 (79 FR 18799). The regulations at 5 CFR 1320.3(c) provide that the exception in 5 CFR 1320.4(a)(2) applies during the entire course of the investigation, audit, or action, but only after a case file or equivalent is opened with respect to a particular party. Such a case file would be opened as part of the request to access records under § 1.361. Accordingly, we have not included an estimate of burden hours associated with § 1.361 in table 1.

Description of Respondents: Persons that manufacture, process, pack, hold, receive, distribute, transport, or import food in the United States are required to establish and maintain records, including persons that engage in both interstate and intrastate commerce.

In the **Federal Register** of June 14, 2017 (82 FR 27263), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received one comment. The comment was supportive of the information collection but requested that FDA coordinate with the U.S. Department of Agriculture. FDA addresses issues regarding duplication of information collection in question 4 of the Agency's supporting statement.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
1.337, 1.345, and 1.352 (Records maintenance)	379,493	1	379,493	13.228	5,020,000
1.337, 1.345, and 1.352 (Learning for new firms)	18,975	1	18,975	4.790	90,890
Total					5,110,890

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

This estimate is based on our estimate of the number of facilities affected by the final rule entitled ''Establishment and Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002,'' published in the **Federal Register** of December 9, 2004 (69 FR 71562 at 71650). With regard to records maintenance, we estimate that approximately 379,493 facilities will spend 13.228 hours collecting, recording, and checking for accuracy the limited amount of additional information required by the regulations, for a total of 5,020,000 hours annually. In addition, we estimate that new firms entering the affected businesses will incur a burden from learning the regulatory requirements and understanding the records required for compliance. In this regard, we estimate the number of new firms entering the affected businesses to be 5 percent of 379,493, or 18,975 firms. Thus, we estimate that approximately 18,975 facilities will spend 4.790 hours learning about the recordkeeping and records access requirements, for a total of 90,890 hours annually. We estimate that approximately the same number of firms (18,975) will exit the affected businesses in any given year, resulting in no growth in the number of total firms reported on line 1 of table 1. Therefore, the total annual recordkeeping burden is estimated to be 5,110,890 hours.

Dated: September 15, 2017.

Anna K. Abram,

Deputy Commissioner for Policy, Planning, Legislation, and Analysis.

[FR Doc. 2017–20239 Filed 9–21–17; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Chris Kornak, 240–627–3705, *chris.kornak@nih.gov.* Licensing

information and copies of the U.S. patent applications listed below may be obtained by communicating with the indicated licensing contact at the Technology Transfer and Intellectual Property Office (TTIPO), 5601 Fishers Lane, Suite 6D, MSC 9804, Rockville, MD 20892, tel: 301–496–2644, fax: 240–627–3117. A signed Confidential Disclosure Agreement will be required to receive copies of unpublished patent applications.

SUPPLEMENTARY INFORMATION: Technology descriptions follow.

Research Material: A Potent, Broadly-Neutralizing, Anti-HIV Antibody (35O22) That Binds a Novel Epitope

Description of Technology: Millions of people are infected with HIV–1 worldwide. In the U.S., there are about 30,000 new cases of HIV infection reported annually. Researchers at NIAID are actively investigating broadly neutralizing anti-HIV–1 antibodies which can be used as therapeutics or prophylactics for HIV infection.

NIAID and Scripps researchers have discovered a potent anti-HIV antibody (35O22) that binds a novel HIV epitope. This antibody neutralizes at least 80% of HIV isolates tested so far. The unique binding of 35O22 makes it an attractive candidate to combine with other HIV antibodies or antivirals in treating or preventing HIV infection.

This technology is available for licensing for commercial development in accordance with 35 U.S.C. 209 and 37 CFR part 404, as well as for further development and evaluation under a research collaboration.

Potential Commercial Applications:

- HIV–1 therapeutics
- HIV–1 prophylactics

Competitive Advantages:

- Unique epitope
- Broad neutralization of HIV isolates

Development Stage: Pre-Clinical.

Inventors: Mark Connors, John Mascola, Peter Kwong, Tongqing Zhou, Jinghe Huang, Byong Ha Kang, all of NIAID, NIH; Andrew Ward, Scripps Research Institute.

Publications: Huang, J et al., Broad and potent HIV–1 neutralization by a human antibody that binds the gp41–gp120 interface. *Nature* 515, 138–142.

Intellectual Property: Not applicable.

Licensing Contact: Chris Kornak, 240–627–3705, *chris.kornak@nih.gov.*

Collaborative Research Opportunity: The Technology Transfer and Intellectual Property Office (TTIPO) is seeking parties interested in collaborative research to further develop 35O22 in combination with other NIAID antibodies. For collaboration opportunities, please contact Chris Kornak, 240–627–3705, *chris.kornak@nih.gov*.

Dated: September 12, 2017.

Suzanne Frisbie,

Deputy Director, Technology Transfer and Intellectual Property Office, National Institute of Allergy and Infectious Diseases.

[FR Doc. 2017–20232 Filed 9–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Drug Repurposing for Alzheimer's Disease.

Date: October 17, 2017.

Time: 10:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20814 (Telephone Conference Call).

Contact Person: Anita H. Undale, Ph.D., MD, Scientific Review Branch, National Institute on Aging, Gateway Building, Suite 2W200, 7201 Wisconsin Avenue, Bethesda, MD 20892, 240–747–7825, *anita.undale@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 18, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–20230 Filed 9–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; 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: National Eye Institute Special Emphasis Panel NEI; Institutional Training Grant Applications.

Date: October 16, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Jeanette M. Hosseini, Ph.D., Scientific Review Officer, NEI/DEA/SRB, National Institutes of Health, 5635 Fishers Lane, Suite 1300, Bethesda, MD 20892, 301–451–2020, *jeanetteh@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: September 18, 2017.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–20178 Filed 9–21–17; 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 applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material,

and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; Innovative Molecular Analysis Technologies (IMAT).

Date: October 19, 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, North Bethesda, MD 20852.

Contact Person: Saejeong J. Kim, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH 9609, Medical Center Drive, Room 7W640, Bethesda, MD 20892–9750, 240–276–7684, *saejeong.kim@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Quantitative Imaging.

Date: October 20, 2017.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 5E030, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Nadeem Khan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH 9609, Medical Center Drive, Room 7W260, Bethesda, MD 20892–9750, 240–276–5856, *nadeem.khan@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; R13 Conference Grant Review.

Date: October 25, 2017.

Time: 12:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W556, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Bratin K. Saha, Ph.D., Scientific Review Officer, Program Coordination and Referral Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W556, Bethesda, MD 20892–9750, 240–276–6411, *sahab@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Physical Science Oncology.

Date: October 27, 2017.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W030, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Nadeem Khan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W260, Bethesda, MD 20892–9750, 240–276–5856, *nadeem.khan@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Provocative Questions SEP–1.

Date: October 30, 2017.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Eun Ah Cho, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W104, Bethesda, MD 20892–9750, 240–276–6342, *choe@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; NCI Clinical and Translational R21 and Omnibus R03: SEP–7.

Date: November 2, 2017.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W106, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Reed A. Graves, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W106, Bethesda, MD 20892–9750, 240–276–6384, *gravesr@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Molecular and Cellular Analysis Technologies.

Date: November 3, 2017.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 6W032/034, Rockville, MD 20850.

Contact Person: Nadeem Khan, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W260, Bethesda, MD 20892–9750, 240–276–5856, *nadeem.khan@nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Advanced Development of Informatics Technologies for Cancer Research and Management.

Date: November 7–8, 2017.

Time: 2:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Zhiqiang Zou, M.D., Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W242, Bethesda, MD 20892–9750, 240–276–6372, *zouzhiq@mail.nih.gov*.

Name of Committee: National Cancer Institute Special Emphasis Panel; Glycobiology of Cancer.

Date: November 16, 2017.

Time: 10:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, Shady Grove, 9609 Medical Center Drive, Room 7W106, Rockville, MD 20850 (Telephone Conference Call).

Contact Person: Reed A. Graves, Ph.D., Scientific Review Officer, Research Technology and Contract Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W106, Bethesda, MD 20892–9750, 240–276–6384, *gravesr@mail.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: September 18, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–20229 Filed 9–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute on Aging Special Emphasis Panel, September 20, 2017, 12:00 p.m. to September 20, 2017, 1:00 p.m., National Institute on Aging, Gateway, 7201 Wisconsin Ave., Suite 2W200C, Bethesda, MD 20892 which was published in the **Federal Register** on August 22, 2017, 82 FR 39876.

The meeting notice is amended to change the date of the meeting from September 20, 2017 to October 17, 2017. The meeting is closed to the public.

Dated: September 18, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–20231 Filed 9–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of 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 General Medical Sciences Special Emphasis Panel; COBRE Phase III.

Date: November 8, 2017.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree by Hilton Bethesda (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Nina Sidorova, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.22, Bethesda, MD 20892–6200, 301–594–3663, *sidorova@nigms.nih.gov.*

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of Regional Consortia for High Resolution Cryoelectron Microscopy grant applications.

Date: December 1, 2017.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, Suite 3AN12, 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Nina Sidorova, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.22, Bethesda, MD 20892–6200, 301–594–3663, *sidorova@nigms.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 18, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–20234 Filed 9–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Aging Systems and Geriatrics Study Section.

Date: October 16–17, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Inese Z. Beitins, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7892, Bethesda, MD 20892, 301–435–1034, *beitinsi@csr.nih.gov.*

Name of Committee: Digestive, Kidney and Urological Systems Integrated Review Group; Pathobiology of Kidney Disease Study Section.

Date: October 16–17, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront, 71 East Wacker Drive, Chicago, IL 60601.

Contact Person: Atul Sahai, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2188, MSC 7818, Bethesda, MD 20892, 301–435–1198, *sahaia@csr.nih.gov.*

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group; Molecular Neuropharmacology and Signaling Study Section.

Date: October 16–17, 2017.

Time: 8:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin Crystal City, 1800 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Deborah L. Lewis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4183, MSC 7850, Bethesda, MD 20892, 301–408–9129, *lewisdeb@csr.nih.gov.*

Name of Committee: Vascular and Hematology Integrated Review Group; Hemostasis and Thrombosis Study Section.

Date: October 16, 2017.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Bukhtiar H. Shah, DVM, Ph.D., Scientific Review Officer, Vascular and Hematology IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7802, Bethesda, MD 20892, (301) 806–7314, *shahb@csr.nih.gov.*

Name of Committee: Biological Chemistry and Macromolecular Biophysics Integrated Review Group; Macromolecular Structure and Function A Study Section

Date: October 16–17, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, 1700 Tysons Boulevard, McLean, VA 22102.

Contact Person: David R. Jollie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4166, MSC 7806, Bethesda, MD 20892, (301) 408–9072, *jollieda@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Arthritis, Connective Tissue and Skin Study Section.

Date: October 16–17, 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: Alexey Belkin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, Bethesda, MD 20817, 301–435–1786, *alexey.belkin@nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Development—1 Study Section.

Date: October 16–17, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Thomas Beres, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148,

MSC 7840, Bethesda, MD 20892, 301–435–1175, *berestm@mail.nih.gov.*

Name of Committee: Healthcare Delivery and Methodologies Integrated Review Group; Community-Level Health Promotion Study Section.

Date: October 16–17, 2017.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Lorien Hotel & Spa, 1600 King Street, Alexandria, VA 22314.

Contact Person: Ping Wu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3166, Bethesda, MD 20892, 301–451–8428, *wup4@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Musculoskeletal Tissue Engineering Study Section.

Date: October 16–17, 2017.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront, 71 East Wacker Drive, Chicago, IL 60601.

Contact Person: Baljit S. Moonga, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7806, Bethesda, MD 20892, 301–435–1777, *moongabs@mail.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Drug Discovery and Molecular Pharmacology Study Section.

Date: October 16–17, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Fairmont Hotel San Francisco, 950 Mason Street, San Francisco, CA 94108.

Contact Person: Jeffrey Smiley, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301–594–7945, *smileyja@csr.nih.gov.*

Name of Committee: Brain Disorders and Clinical Neuroscience Integrated Review Group; Brain Injury and Neurovascular Pathologies Study Section.

Date: October 16–17, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Grand Chicago Riverfront, 71 East Wacker Drive, Chicago, IL 60601.

Contact Person: Alexander Yakovlev, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5206, MSC 7846, Bethesda, MD 20892, 301–435–1254, *yakovleva@csr.nih.gov.*

Name of Committee: Genes, Genomes, and Genetics Integrated Review Group; Molecular Genetics A Study Section.

Date: October 16–17, 2017.

Time: 8:30 a.m. to 12:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel at Pentagon City, 1250 South Hayes Street, Arlington, VA 22202.

Contact Person: Lewis Richard Panniers, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2212, MSC 7890, Bethesda, MD 20892, (301) 435–1741, *pannierr@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: *September 18, 2017.*

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–20228 Filed 9–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of 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: NIGMS Initial Review Group; Training and Workforce Development Subcommittee—D; Review of MARC/RISE Applications.

Date: November 9–10, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Rd. NW., Washington, DC 20015.

Contact Person: Tracy Koretsky, Ph.D., Scientific Review Officer, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, MSC 6200, Room 3An.12F, Bethesda, MD 20892, 301–594–2886, *tracy.koretsky@nih.gov.*

Name of Committee: NIGMS Initial Review Group; Training and Workforce Development Subcommittee—C; To review the scientific merit of R25 and T34 applications.

Date: November 16–17, 2017.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Kimpton Hotel Palomar, 2121 P Street NW., Washington, DC 20037.

Contact Person: Lee Warren Slice, Ph.D., Scientific Review Officer, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, 1 Democracy Plaza, 6701 Democracy Blvd., Room 1068, Bethesda, MD 20892, 301–435–0807, *slicelw@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Researh Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives; 93.859, Biomedical Research and Research Training, National Institutes of Health, HHS)

Dated: September 18, 2017.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2017–20233 Filed 9–21–17; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0767]

Merchant Mariner Medical Advisory Committee

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: The Merchant Mariner Medical Advisory Committee and its Working Groups will meet to discuss matters relating to medical certification determinations for issuance of licenses, certificates of registry, and merchant mariners' documents, medical standards and guidelines for the physical qualifications of operators of commercial vessels, medical examiner education, and medical research. The meetings will be open to the public.

DATES: The Merchant Mariner Medical Advisory Committee and its Working Groups are scheduled to meet on Wednesday, October 18, 2017, and Thursday, October 19, 2017, from 8 a.m. until 5:30 p.m. Please note that these meetings may adjourn early if the Committee has completed its business.

ADDRESSES: The meetings will be held at the U.S. Coast Guard National Maritime Center in the Dales Larson Room on the third floor, 100 Forbes Drive, Martinsburg, WV 25404–0001(*https://www.uscg.mil/nmc/*).

Pre-registration Information: Pre-registration is required for access to U.S.

Coast Guard, National Maritime Center. Foreign nationals participating will be required to pre-register no later than 4 p.m. on October 4, 2017, to be admitted to the meeting. U.S. citizens participating will be required to pre-register no later than 4 p.m. on October 11, 2017, to be admitted to the meeting. To pre-register, contact Mr. Davis Breyer at *davis.j.breyer@uscg.mil* or (202)372–1445. You will be asked to provide your name and telephone number. In addition, please provide the company or group in which you are affiliated. Foreign nationals will also need to provide your country of citizenship, passport country, country of residence, place of birth, passport number, and expiration date. All attendees will be required to provide a REAL ID Act-compliant government-issued picture identification card in order to gain admittance to the building. For more information on REAL ID and to check the compliance status of your state/territory, please see *https://www.dhs.gov/real-id* and *https://www.dhs.gov/real-id-public-faqs.*

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Alternate Designated Federal Officer as soon as possible using the contact information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Instructions: You are free to submit comments at any time, including orally at the meetings, but if you want Committee members to review your comment before the meetings, please submit your comments no later than October 11, 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–2017–0767. Written comments may also be submitted using the Federal eRulemaking Portal at *http://www.regulations.gov.* If you encounter technical difficulties with comments submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review the Privacy and Security Notice for the Federal Docket Management System at *https://www.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,* type USCG–2017–0767 in the ''Search'' box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Mr. Davis Breyer, Alternate Designated Federal Officer of the Merchant Mariner Medical Advisory Committee, 2703 Martin Luther King Jr. Ave SE., Stop 7509, Washington, DC 20593–7509, telephone 202–372–1445, fax 202–372–8382 or *davis.j.breyer@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is pursuant with the *Federal Advisory Committee Act,* Title 5 United States Code Appendix.

The Merchant Mariner Medical Advisory Committee Meeting is authorized by section 210 of the U.S. Coast Guard Authorization Act of 2010 (Pub. L. 111–281, codified at 46 United States Code 7115). The Committee advises the Secretary on matters related to (a) medical certification determinations for issuance of licenses, certificates of registry, and merchant mariners' documents; (b) medical standards and guidelines for the physical qualifications of operators of commercial vessels; (c) medical examiner education; and (d) medical research.

Agenda

Day 1

The agenda for the October 18, 2017, meeting is as follows:

(1) Opening remarks from the Designated Federal Officer.

(2) Opening remarks from U.S. Coast Guard leadership.

(3) Roll call of Committee members and determination of a quorum.

(4) National Maritime Center brief.

(5) Public comment period.

(6) Working Groups will separately address the following task statements which are available for viewing at *https://homeport.uscg.mil/medmac.*

(a) Task statement 15–13, Mariner Occupational Health Risk Study Analysis. This is a duplicate task statement with the Merchant Marine Personnel Advisory Committee;

(b) Task statement 16–24, requesting recommendations on appropriate diets and wellness for mariners while aboard merchant vessels;

(c) Task statement 17–25, requesting recommendations on functions that would be useful to the mariner, ashore and afloat regarding their medical certification;

(d) Task statement 17–26, Input to Support Regulatory Reform of Coast Guard Regulations-Executive Orders 13771 and 13783.

(7) Adjournment of meeting.

Day 2

The agenda for the October 19, 2017, meeting is as follows:

(1) Committee work update.

(2) Continue work on task statements.

(3) Public comment period.

(4) The Working Groups report, and if applicable, make recommendations for the full Committee to consider for presentation to the U.S. Coast Guard. The Committee may deliberate and vote on the Working Group's recommendations on this date. The public will have an opportunity to speak after each Working Group's Report before the full Committee takes any action on each report.

(5) Closing remarks/plans for next meeting.

(6) Adjournment of Meeting.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/medmac* no later than October 11, 2017. Alternatively, you may contact Mr. Davis Breyer as noted in the **FOR FURTHER INFORMATION** section above.

Public comments will be limited to 5 minutes per speaker. Please note that the public comment periods will end following the last call for comments. Contact Mr. Davis Breyer as indicated in the **FOR FURTHER INFORMATION CONTACT** section of this document to register as a speaker.

Please note that the meeting may adjourn early if the work is completed.

Dated: September 18, 2017.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2017–20208 Filed 9–21–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2017–0768]

Merchant Marine Personnel Advisory Committee

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Merchant Marine Personnel Advisory Committee and its Working Groups will meet to discuss various issues related to the training and fitness of merchant marine personnel. The meetings will be open to the public.

DATES: The Merchant Marine Personnel Advisory Committee and its Working Groups are scheduled to meet on Thursday, October 26, 2017, from 8 a.m.

until 5:30 p.m., and the full Committee is scheduled to meet on Friday October 27, 2017, from 8 a.m. until 5:30 p.m. Please note that these meetings may adjourn early if the Committee has completed its business.

ADDRESSES: The meetings will be held at the U.S. Coast Guard National Maritime Center in the Dales Larson Room on the third floor, 100 Forbes Drive, Martinsburg, WV 25404–0001 (*https://www.uscg.mil/nmc/*).

Pre-registration Information: Pre-registration is required for access to U.S. Coast Guard, National Maritime Center. Foreign nationals participating will be required to pre-register no later than 4 p.m. on October 11, 2017, to be admitted to the meeting. U.S. citizens participating will be required to pre-register no later than 4 p.m. on October 18, 2017, to be admitted to the meeting. To pre-register, contact Mr. Davis Breyer at *davis.j.breyer@uscg.mil* or (202) 372–1445. You will be asked to provide your name and telephone number. In addition, please provide the company or group in which you are affiliated. Foreign nationals will also need to provide your country of citizenship, passport country, country of residence, place of birth, passport number, and expiration date. All attendees will be required to provide a REAL ID Act-compliant government-issued picture identification card in order to gain admittance to the building. For more information on REAL ID and to check the compliance status of your state/territory, please see *https://www.dhs.gov/real-id* and *https://www.dhs.gov/real-id-public-faqs.*

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the Alternate Designated Federal Officer as soon as possible using the contact information provided in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Instructions: You are free to submit comments at any time, including orally at the meetings, but if you want Committee members to review your comment before the meetings, please submit your comments no later than October 18, 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–2017–0768. Written comments may also be submitted using the Federal eRulemaking Portal at *http://www.regulations.gov.* If you encounter technical difficulties with comments submission, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section below. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided. You may review the Privacy and Security Notice for the Federal Docket Management System at *https://www.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,* type USCG–2017–0768 in the ''Search'' box, press Enter, and then click on the item you wish to view.

FOR FURTHER INFORMATION CONTACT: Mr. Davis Breyer, Alternate Designated Federal Officer of the Merchant Marine Personnel Advisory Committee, 2703 Martin Luther King Jr. Ave. SE., Stop 7509, Washington, DC 20593–7509, telephone 202–372–1445, fax 202–372–8382 or *davis.j.breyer@uscg.mil.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the *Federal Advisory Committee Act,* Title 5 United States Code Appendix.

The Merchant Marine Personnel Advisory Committee was established under authority of section 310 of the Howard Coble Coast Guard and Maritime Transportation Act of 2014, codified at Title 46, United States Code, section 8108, and chartered under the provisions of the Federal Advisory Committee Act (Title 5, United States Code, Appendix). The Committee acts solely in an advisory capacity to the Secretary of the Department of Homeland Security through the Commandant of the U.S. Coast Guard on matters relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards and other matters as assigned by the Commandant. The Committee shall also review and comment on proposed U.S. Coast Guard regulations and policies relating to personnel in the United States merchant marine, including training, qualifications, certification, documentation, and fitness standards; may be given special assignments by the Secretary and may conduct studies, inquiries, workshops, and fact finding in consultation with individuals and groups in the private sector and with State or local governments; and shall advise, consult with, and make recommendations reflecting its independent judgment to the Secretary.

Agenda

Day 1

The agenda for the October 26, 2017, meeting is as follows:

(1) The full Committee will meet briefly to discuss the Working Groups' business/task statements, which are listed under paragraph 3(a)–(h) below.

(2) Working Groups will separately address the following task statements which are available for viewing at *https://homeport.uscg.mil/merpac:*

(a) Task Statement 87, Review of policy documents providing guidance on the implementation of the December 24, 2013, International Convention on Standards of Training, Certification and Watchkeeping for Seafarers rulemaking;

(b) Task Statement 96, Review and comment on the course and program approval requirements including 46 CFR 10.402, 10.403, 10.407 and Navigation and Vessel Inspection Circular 03–14 guidelines for approval of training courses and programs;

(c) Task Statement 98, Continue the progress made by the military services towards meeting the goals on the use of Military Education, Training and Assessment for STCW and National Mariner Endorsements as identified in the Howard Coble Coast Guard and Maritime Transportation Act of 2014 and subsequent legislation;

(d) Task Statement 99, Review and comment on the ''Guidelines for Issuing Endorsement for Tankerman PIC Restricted to Fuel Transfers on Towing Vessels'' policy letter (CG–MMC Policy Letter No. 01–17);

(e) Task Statement 100, Provide input to MARAD's working group that will examine and assess the size of the pool of U.S. mariners necessary to support the U.S. flag fleet in times of national emergency;

(f) Task Statement 101, Provide feedback and avenues to further enhance open communication between external stakeholders and the U.S. Coast Guard's mariner credentialing program regarding all aspects of the program;

(g) Task Statement 102, Consider and make recommendations regarding the current requirement for a U.S. Merchant Mariner to read and write using English;

(h) Task Statement 103, Input to Support Regulatory Reform of Coast Guard Regulations-Executive Orders 13771 and 13783.

(3) Public comment period.

(4) Reports of Working Groups. At the end of the day, the Working Groups will report to the full Committee on what was accomplished in their meetings. The full Committee will not take action on these reports on this date. Any official action taken as a result of these

Working Group meetings will be taken on day two of the meeting.

(5) Adjournment of meeting.

Day 2

The agenda for the October 27, 2017, full Committee meeting is as follows:

(1) Introduction.

(2) Swear in newly appointed Committee members.

(3) Remarks from U.S. Coast Guard Leadership.

(4) Designated Federal Officer announcements.

(5) Roll call of Committee members and determination of a quorum.

(6) Reports from the following Working Groups:

(a) Task Statement 87, Review of policy documents providing guidance on the implementation of the December 24, 2013, International Convention on Standards of Training, Certification and Watchkeeping for Seafarers rulemaking;

(b) Task Statement 96, Review and comment on the course and program approval requirements including 46 CFR 10.402, 10.403, 10.407 and Navigation and Vessel Inspection Circular 03–14 guidelines for approval of training courses and programs;

(c) Task Statement 98, continue the progress made by the military services towards meeting the goals on the use of Military Education, Training and Assessment for STCW and National Mariner Endorsements as identified in the Howard Coble Coast Guard and Maritime Transportation Act of 2014 and subsequent legislation;

(d) Task Statement 99, Review and comment on the ''Guidelines for Issuing Endorsement for Tankerman PIC Restricted to Fuel Transfers on Towing Vessels'' policy letter (CG–MMC Policy Letter No. 01–17);

(e) Task Statement 100, Provide input to MARAD's working group that will examine and assess the size of the pool of U.S. mariners necessary to support the U.S. flag fleet in times of national emergency;

(f) Task Statement 101, Provide feedback and avenues to further enhance open communication between external stakeholders and the U.S. Coast Guard's mariner credentialing program regarding all aspects of the program;

(g) Task Statement 102, consider and make recommendations regarding the current requirement for a U.S. Merchant Mariner to read and write using English;

(h) Task Statement 103, Input to Support Regulatory Reform of Coast Guard Regulations-Executive Orders 13771 and 13783.

(7) Other items for discussion:

(a) Report on the Mariner Credentialing Program;

(b) Report on National Maritime Center activities from the National Maritime Center Commanding Officer, such as medical requirements and legal authorities;

(c) Briefings about on-going U.S. Coast Guard projects related to personnel in the U.S. merchant marine.

(8) Public comment period.

(9) Discussion of Working Group recommendations.

The Committee will review the information presented on each issue, deliberate on any recommendations presented by the Working Groups, approve/formulate recommendations and close any completed tasks. Official action on these recommendations may be taken on this date.

(10) Closing remarks/plans for next meeting.

(11) Adjournment of meeting.

A public comment period will be held during each Working Group and full Committee meeting concerning matters being discussed.

A copy of all meeting documentation will be available at *https://homeport.uscg.mil/merpac* no later than October 18, 2017. Alternatively, you may contact Mr. Davis Breyer as noted in the **FOR FURTHER INFORMATION** section above.

Public comments will be limited to three minutes per speaker. Please note that the public comment periods will end following the last call for comments. Please contact Mr. Davis Breyer, listed in the **FOR FURTHER INFORMATION CONTACT** section, to register as a speaker.

Please note that the meeting may adjourn early if the work is completed.

Dated: September 18, 2017.

Jeffrey G. Lantz,

Director of Commercial Regulations and Standards.

[FR Doc. 2017–20209 Filed 9–21–17; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3388–EM; Docket ID FEMA–2017–0001]

Seminole Tribe of Florida; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the Seminole Tribe of Florida (FEMA–3388–EM), dated September 8, 2017, and related determinations.

DATES: The declaration was issued September 8, 2017.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 8, 2017, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in the lands associated with the Seminole Tribe of Florida resulting from Hurricane Irma beginning on September 4, 2017, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists for the Seminole Tribe of Florida and associated lands.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide assistance for debris removal and emergency protective measures (Categories A and B), including direct Federal assistance, under the Public Assistance program.

Consistent with the requirement that Federal assistance is supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Justo Hernández, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas have been designated as adversely affected by this declared emergency:

The Seminole Tribe of Florida and associated lands for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used

for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Brock Long,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2017–20191 Filed 9–21–17; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R8–MB–2017–N049; FF08M00000–FXMB12310800000–145]

Notice of Intent To Prepare an Environmental Impact Statement; Hycroft Mining Company; Request for Take Permits Under the Bald and Golden Eagle Protection Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare an environmental impact statement; notice of scoping meeting and request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), intend to prepare a joint environmental impact statement (EIS) with the Bureau of Land Management (BLM). We are a cooperating agency with the BLM on the development of this EIS. The BLM will be analyzing potential impacts of their decision regarding Hycroft Resource and Development Incorporated's (Hycroft/applicant) proposed expansion as described in BLM's notice of intent published in December 2014. This EIS will also analyze impacts associated with the Service's eagle take permit decisions. The Service will evaluate the applicant's Eagle Conservation Plan (ECP), which describes their request to remove inactive golden eagle nests and their request for incidental take authorization for impacts resulting from removing eagle nests, mining operations, and expansion of the existing facility. We are considering the applicant's request, as allowed under the Bald and Golden Eagle Protection Act (Eagle Act), for nest removal for the purpose of resource development and recovery operations and incidental take. The BLM has already conducted public scoping regarding the proposed expansion of the Hycroft mine.

DATES: To ensure consideration, please send your written comments by November 21, 2017. Public scoping meetings will be held from 5 p.m. to 8 p.m. on Tuesday, October 10, 2017, at the Hyatt Place Reno-Tahoe Airport, 1790 East Plumb Lane, Reno, NV 89502; and on Wednesday, October 11, 2017, at the Winnemucca Convention Center, 50 West Winnemucca Blvd., Winnemucca, NV 89445.

ADDRESSES: To request further information or submit written comments, please use one of the following methods, and note that your information request or comment is in reference to the Hycroft Mine Eagle Conservation Plan EIS.

- *Email: fw8_eaglepermits@fws.gov*. Include ''Hycroft Mine Eagle Conservation Plan EIS'' in the subject line of the message.
- *U.S. Mail:* Heather Beeler, Migratory Bird Program, U.S. Fish and Wildlife Service, Pacific Southwest Regional Office, 2800 Cottage Way, W–2605, Sacramento, CA 95825.
- *Fax:* Heather Beeler, Migratory Bird Program, (916) 414–6486; Attn: Hycroft Mine Eagle Conservation Plan EIS Scoping.

FOR FURTHER INFORMATION CONTACT: Heather Beeler, Migratory Bird Program, at the address shown above or at (916) 414–6651 (telephone). If you use a telecommunications device for the deaf, please call the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: We, the Service, intend to prepare a joint environmental impact statement (EIS) with the BLM in response to Hycroft's permit application to remove inactive golden eagle (*Aquila chrysaetos*) nests and for incidental take under the Eagle Act. Hycroft submitted a draft Eagle Conservation Plan (ECP) as part of their permit application. The draft ECP is a comprehensive plan that addresses the removal of inactive golden eagle nests and also provides measures to avoid, minimize, and mitigate for the loss of golden eagle nesting territories. The draft EIS will evaluate the impacts of several alternatives related to the proposed issuance of permits by the Service to allow the removal of inactive golden eagle nests for natural resource extraction and authorization of incidental take, including the potential loss of up to two golden eagle breeding territories. The Hycroft mine is located near the historical town of Sulphur, in Pershing and Humboldt Counties, Nevada.

We provide this notice to (1) describe the proposed action; (2) advise other Federal and State agencies, potentially affected tribal interests, and the public of our intent to prepare an EIS; (3) announce the initiation of a 60-day public scoping period; and (4) obtain suggestions and information on the scope of issues and possible alternatives to be included in the EIS. We are particularly interested in comments regarding the creation of new golden eagle nest sites or territories, a potential mitigation option.

We also announce plans for public scoping meetings and the opening of a public comment period. We request data, comments, new information, or suggestions from the public, governmental agencies, the scientific community, tribes, industry, or any other interested party.

We publish this notice in accordance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321–4347 *et seq.*; NEPA), and its implementing regulations in the Code of Federal Regulations at 40 CFR 1500–1508, as well as section 668a of the Eagle Act (16 U.S.C. 668a–668d).

Background

Golden eagles are protected under the Eagle Act, which prohibits take of both bald and golden eagles and eagle nests. ''Take'' under the Eagle Act includes any actions that pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, destroy, molest, and disturb eagles. ''Disturb'' is further defined in 50 CFR 22.3 as ''to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.''

The BLM will be the lead agency in development of the EIS, and will be evaluating the applicant's request for the proposed expansion of their operations at the Hycroft Mine. The current mining operations were approved by BLM in a record of decision (ROD) issued in August of 2012.

During biological surveys conducted in 2011 and 2012 for BLM's 2012 EIS, a golden eagle nest and two older nests were discovered on an outcrop at the northern end of the Silver Camel feature. Mining of the Silver Camel feature and the occurrence of the nests

were both analyzed in BLM's 2012 EIS. The BLM's 2012 ROD required further coordination with the Service regarding potential nest removal.

In April 2014, Hycroft submitted a plan of operations modification for the phase II expansion of the mine to the BLM. The phase II expansion includes a proposal to construct a tailings storage facility. Three golden eagle nests were identified within the proposed footprint of the tailings storage facility.

In this current joint EIS, BLM will analyze potential impacts of Hycroft's proposed expansion as described in BLM's notice published on December 30, 2014 (79 FR 78469), and the Service will analyze impacts related to our Eagle Act take permit decisions.

Scope for Eagle Permit Analysis

All eagle permit alternatives considered in the EIS should conform to the Eagle Act permit issuance criteria for nest removal for the purpose of resource development and recovery operations, as allowed under 50 CFR 22.25, and for incidental take as allowed under 50 CFR 22.26. The draft EIS will identify and analyze direct, indirect, and cumulative impacts of the proposed Eagle Act permit requests and alternatives associated with several resource areas, including biological resources, Native American religious concerns, air quality, noise, water resources, cultural resources, socioeconomics, and climate change. We will also consider evaluation of additional resource areas if issues of concern specific to the proposed action are identified during the public scoping process. The purpose of the public scoping process for the EIS is to determine relevant issues that will influence the scope of the environmental analysis, including potential alternatives, and the extent to which those issues and impacts will be analyzed in the EIS. We will evaluate a minimum of three alternatives.

Applicant's Proposal

Hycroft has requested permits under the Eagle Act for nest removal associated with resource development and recovery, and incidental take for anticipated impacts, including the potential loss of nesting territories, associated with mining operations as described in the ECP.

Hycroft is requesting authorization for removal of three golden eagle nests on the Silver Camel feature within the existing mine area and up to the three nests within the proposed tailings facility footprint. Nest removals would likely affect two different golden eagle breeding territories. Specific activities requested and being considered include the following:

1. Removal of golden eagle nests.
2. Implementation of mitigation measures to offset the loss of nesting territories and provide a no net loss to golden eagles in the local area breeding population, including, but not limited to:

a. Creation of new nest sites, possibly on abandoned mine high walls;

b. Offsite nest rehabilitation; and

c. Retrofitting electric utility power poles to minimize the potential for electrocutions.

3. Monitoring to evaluate project impacts and the effectiveness of the mitigation measures. Monitoring efforts would generally include:

a. Monitoring of golden eagle nests located within the plan area and a 10-mile radius surrounding the plan area; and

b. Monitoring of the offsite nests created or rehabilitated for the establishment of golden eagle use and creation of new breeding territories.

Public Comments

We request data, comments, new information, or suggestions from the public, other governmental agencies, the scientific community, Tribes, industry, or any other interested party on this notice. We are particularly interested in comments regarding the creation of new golden eagle nest sites or territories, a potential mitigation option. We will consider these comments in developing the draft EIS.

Public Availability of Comments

You may submit your comments and materials by one of the methods listed above in **ADDRESSES**. Before including your address, phone number, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—might 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.

Scoping Meetings

See **DATES** for the dates and times of our public meetings. The primary purpose of these meetings and public comment period is to provide the public with a general understanding of the background of the proposed action and to solicit suggestions and information on the scope of issues and alternatives we should consider when drafting the EIS. Comments will be accepted at the meetings. An interpreter and/or court reporter will be present when deemed necessary. Comments can also be submitted by methods listed in the **ADDRESSES** section. Once the draft EIS is complete and made available for review, there will be additional opportunity for public comment on the content of these documents.

Persons needing reasonable accommodations in order to attend and participate in the public meetings should contact the Pacific Southwest Region's Migratory Bird Office using one of the methods listed above in **ADDRESSES** as soon as possible. In order to allow sufficient time to process requests, please make contact no later than one week before the public meeting. Information regarding this proposed action is available in alternative formats upon request.

Authority

We provide this notice under section 668a of the Eagle Act (16 U.S.C. 668–668c) and NEPA regulations (40 CFR 1501.7, 40 CFR 1506.6, and 40 CFR 1508.22).

Jody Holzworth,

Acting Deputy Regional Director, Pacific Southwest Region, Sacramento, California.

[FR Doc. 2017–20053 Filed 9–21–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–ES–2017–N120; FXES11130900000–178–FF09E32000; OMB Control Number 1018–0095]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Endangered and Threatened Wildlife, Experimental Populations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before October 23, 2017.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via

facsimile to (202) 395–5806. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.* Please reference OMB Control Number 1018–0095 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info_Coll@fws.gov,* or by telephone at (703) 358–2503. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on May 31, 2017 (82 FR 24989). We received one comment that did not address the information collection. No changes were made in response to that comment.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Service; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Service enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Service minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. 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.

Abstract: Section 10(j) of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), authorizes the Secretary of the Interior to establish experimental populations of endangered or threatened species. Because individuals of experimental populations are protected under the ESA, the information we collect is important for monitoring the success of reintroduction and recovery efforts. This is a nonform collection (meaning there is no designated form associated with this collection). Information collection requirements for experimental populations of vertebrate endangered and threatened species are found in 50 CFR 17.84. We collect three categories of information, which are specific to each species and are described within 50 CFR 17.84:

(1) General take or removal. Take is defined by the ESA as ''[to] harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.'' In this IC, take most commonly takes the form of human-related mortality, including unintentional taking incidental to otherwise lawful activities (*e.g.,* highway mortalities); animal husbandry actions authorized to manage the population (*e.g.,* translocation or providing aid to sick, injured, or orphaned individuals); take in defense of human life; take related to defense of property (if authorized); or take in the form of authorized harassment.

(2) Specimen collection, recovery, or reporting of dead individuals. This information documents incidental or authorized scientific collection. Most of the information collected addresses the reporting of sightings of experimental population animals or the inadvertent discovery of an injured or dead individual.

(3) Depredation-related take. Involves take for management purposes where livestock depredation is documented, and may include authorized harassment or authorized lethal take of experimental population animals in the act of attacking livestock. See 50 CFR 17.84 for specific provisions of harassment for each species within this section.

The information that we collect includes:

- Name, address, and phone number of reporting party.
- Species involved.
- Type of incident.
- Quantity of take.
- Location and time of the reported incident.
- Description of the circumstances related to the incident.

Service recovery specialists use this information to determine the success of reintroductions in relation to established recovery plan goals for the experimental populations of vertebrate endangered and threatened species involved. In addition, this information helps us to assess the effectiveness of control activities in order to develop better means to reduce problems with livestock for those species where depredation is a problem.

Title of Collection: Endangered and Threatened Wildlife, Experimental Populations, 50 CFR 17.84.

OMB Control Number: 1018–0095.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals and households, private sector, and State/local/tribal governments.

Total Estimated Number of Annual Respondents: 105.

Total Estimated Number of Annual Responses: 105.

Estimated Completion Time per Response: 30 minutes.

Total Estimated Number of Annual Burden Hours: 55.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion.

Total Estimated Annual Nonhour Burden Cost: The only foreseeable nonhour burden cost to respondents would be a small cost for making a telephone call or sending a facsimile. However, we do not expect that this would occur often and any costs would be negligible.

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 authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Madonna L. Baucum,

Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2017–20165 Filed 9–21–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2017–0062; FXIA16710900000–156–FF09A30000]

Foreign Endangered Species and Marine Mammals Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), have issued the following permits to conduct certain activities with endangered species, marine mammals, or both. We issue these permits under the Endangered Species Act (ESA) and the Marine Mammal Protection Act (MMPA).

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2281. To locate the **Federal Register** notice that announced our receipt of the application for each permit listed in this document, go to *www.regulations.gov* and search on the permit number provided in the tables in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Joyce Russell, (703) 358–2023 (telephone); (703) 358–2281 (fax); or *DMAFR@fws.gov* (email).

SUPPLEMENTARY INFORMATION: On the dates below, as authorized by the provisions of the ESA, as amended (16 U.S.C. 1531 *et seq.*), and/or the Marine Mammal Protection Act (MMPA), as amended (16 U.S.C. 1361 *et seq.*), we issued requested permits subject to certain conditions set forth therein. For each permit for an endangered species, we found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in section 2 of the ESA.

Permit number	Applicant	Receipt of application **Federal Register** notice	Permit issuance date
Endangered Species			
22685C	Feld Entertainment, Inc	82 FR 28349; June 21, 2017	August 14, 2017.
24212C	University of Alaska Fairbanks	82 FR 25616; June 2, 2017	August 3, 2017.
14503C	The University of Alabama at Birmingham	82 FR 31347; July 6, 2017	August 8, 2017.
15849C	The University of Alabama at Birmingham	82 FR 31347; July 6, 2017	August 8, 2017.
Marine Mammals			
29633C	Off Spring Films	82 FR 31347; July 6, 2017	August 10, 2017.

Availability of Documents

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, Branch of Permits, MS: IA, 5275 Leesburg Pike, Falls Church, VA 22041; fax (703) 358–2281.

Authority: We issue this notice under the authority of the ESA, as amended (16 U.S.C. 1531 *et seq.*), and the MMPA, as amended (16 U.S.C. 1361 *et seq.*).

Joyce Russell,

Government Information Specialist, Branch of Permits, Division of Management Authority.

[FR Doc. 2017–20277 Filed 9–21–17; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

[GX16MN00F1F1000]

Agency Information Collection; Submission to the Office of Management and Budget for Review and Approval; iCoast—Did the Coast Change?

AGENCY: United States Geological Survey (USGS), Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: We (the U.S. Geological Survey) are notifying the public that we have submitted to the Office of Management and Budget (OMB) the information collection request (ICR) described below. To comply with the Paperwork Reduction Act of 1995 (PRA), we are notifying the public that we will submit to OMB a new information collection (IC) for review and approval. This notice provides the public an opportunity to comment on the paperwork burden of this collection. This collection is scheduled to expire on September 30, 2017.

DATES: You must submit comment on or before October 23, 2017.

ADDRESSES: Please submit written comments on this information collection directly to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, Attention: Desk Officer for the Department of the Interior, via email: (*OIRA_SUBMISSION@omb.eop.gov*); or by fax (202) 395–5806; and identify your submission with 'OMB Control Number 1028–0109 iCoast—Did the Coast Change? Please also forward a copy of your comments and suggestions on this information collection to the Information Collection Clearance Officer, U.S. Geological Survey, *gs-info_collections@usgs.gov* (email). Please reference 'OMB Information Collection 1028–0109 iCoast—Did the Coast Change? in all correspondence.

FOR FURTHER INFORMATION CONTACT: Laura Thompson, National Climate Change and Wildlife Science Center, U.S. Geological Survey, 12201 Sunrise Valley Drive, Mail Stop 400, Reston, VA 20192 (mail); 703–648–4083 (phone); or *lthompson@usgs.gov* (email). You may also find information about this ICR at

www.reginfo.gov. **SUPPLEMENTARY INFORMATION:**

Title: iCoast—Did the coast change?

I. Abstract

The U.S. Geological Survey (USGS) and its collaborators (including the National Aeronautics and Space Administration, the U.S. Army Corps of Engineers, and university researchers) conduct sustained investigations of coastal hazards associated with major hurricane landfall. USGS hurricane research and response activities include collection of storm-surge water levels, aerial photography, and laser altimetry (lidar) surveys of pre- and post-storm beach conditions. These efforts document the nature, magnitude, and variability of costal changes such as beach erosion, overwash deposition, island breaching, and destruction of infrastructure. Predictive models and assessments of severe storm impacts are developed and evaluated, and probabilistic assessments are distributed to the public, local, State, and Federal agencies. The assessments and observations provide information needed to understand, prepare for, and respond to coastal disasters. These ongoing analyses are authorized by 42 U.S.C. 5201 *et seq.,* The Disaster Relief Act of 1974, Section 202(a).

In support of this research, the USGS has been taking oblique aerial photographs of the coast before and after each major storm since 1996 and has amassed a database of over 190,000 photographs of the Gulf and Atlantic Coasts. Computers cannot yet automatically analyze these data because classifying this photography requires understanding the diversity of forms that even this small set of primary features (shore, beach, dune, marsh, built environment) can represent. Human intelligence is needed, and USGS does not have the personnel or the capacity for this. These oblique aerial photographs are currently used for broad overviews of damage, and selected photo pairs have been shared on the Internet with the public after storms. The intense interest by the public in the pre- and post-storm USGS photographic pairs, and the increasing use of citizen science and crowdsourcing by Federal Government agencies suggests that a significant segment of the public might volunteer to serve as our ''eyes on the coast.'' The iCoast—Did the Coast Change? Web site (hereafter referred to as iCoast) posts a suite of pre- and post-storm photographs from a major storm, and citizen scientists can compare photographs and classify the changes they see with predefined tags, or by appending comments. Citizen scientists also identify coastal landforms, determine the storm impacts to coastal infrastructure and landforms, and indicate other changes, including response and recovery efforts. These data can be used by USGS scientists to ground truth and fine-tune their models of coastal change. These mathematical models predict the likely interaction between coastal features such as beaches and dunes and storm surge. They are based on pre-storm dune height, measured by lidar, and predicted wave behavior based on data from the National Oceanic and Atmospheric Administration. They are not based on ground truth observations. A body of citizen observations will allow for more accurate predictions of vulnerability. These model predictions are typically shared with Federal, State, and local authorities both before and after storms. The project will also result in greater citizen awareness of the probabilities for coastal change, and will be a resource for teachers and students pursuing science, technology, engineering and math (STEM).

II. Data

OMB Control Number: 1028–0109.

Form Number: None.

Title: iCoast—Did the Coast Change?

Type of Request: Renewal of existing information collection.

Affected Public: Coastal scientists, coastal managers, marine science students, emergency managers, citizens/residents of coastal communities.

Respondent's Obligation: Participation is voluntary.

Frequency of Collection: Occasional.

Estimated Total Number of Annual Responses: 64,211 responses.

Estimated Time per Response: 3 minutes.

Estimated Annual Burden Hours: 3,211 hours.

Estimated Reporting and Recordkeeping ''*Non-Hour Cost*'' *Burden:* There are no ''non-hour cost'' burdens associated with this IC.

Public Disclosure Statement: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number and current expiration date.

Comments: On July 6, 2017, we published a **Federal Register** notice (82 FR 31347) announcing that we would submit this ICR to OMB for approval and soliciting comments. The comment period closed on September 5, 2017. We received no comments.

III. Request for Comments

We again invite comments concerning this ICR as to: (a) Whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) how to enhance the quality, usefulness, and clarity of the information to be collected; and (d) how to minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this notice are a matter of public record. Before including your personal mailing address, phone number, email address, or other personally identifiable information in your comment, you should be aware that your entire comment, including your personally identifiable information, may be made publicly available at any time. While you can ask us and the OMB in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

IV. Authority

The authorities for this action are Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Christopher Reich,

Deputy Center Director, USGS St Petersburg Coastal and Marine Science Center.

[FR Doc. 2017–20188 Filed 9–21–17; 8:45 am]

BILLING CODE 4338–11–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024038: PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Robbins Museum of Archaeology, Middleborough, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Robbins Museum of Archaeology has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal

descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Robbins Museum of Archaeology. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Robbins Museum of Archaeology at the address in this notice by October 23, 2017.

ADDRESSES: Lindsay Randall, Robbins Museum of Archaeology, 17 Jackson Street, Middleborough, MA 02346, telephone (978) 7497–4496, email *lrandall@andover.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the Robbins Museum of Archaeology, Middleborough, MA. The human remains and associated funerary objects were removed from the Mansion Inn site, Wayland, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Robbins Museum of Archaeology professional staff in consultation with representatives of the Wampanoag Repatriation Confederation, representing the Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.) and the Wampanoag Tribe of Gay Head (Aquinnah) as well as the Assonet Band of the Wampanoag Nation and the Nipmuc Nation (non-federally recognized Indian groups).

History and Description of the Remains

In June 1959, human remains representing, at minimum, two individuals were removed from the Mansion Inn site (19–MD–210) in Middlesex County, MA. The human remains were included in collections given to the Robbins Museum by Leslie Longworth, Sr., Alan Longworth, and Alfred Mansfield, or their heirs, in the 1970s and 1980s. The human remains consist of one burned and calcined bone (Robbins Museum/Massachusetts Archaeological Society Object #279.01) from one individual, age and sex indeterminate, and one set of 3 human teeth (Object #946.00) from one individual, age and sex indeterminate. No known individuals were identified. The 350 associated funerary objects are 6 lots of burned & calcined mammal bones; 60 cobbles and cobble fragments; 1 lot of over 1,000 lithic debitage; 9 lithic drills; 8 fire cracked rock; 23 fire starters/fire starter kits, including debris; 4 flaked stone tools; 12 lithic fragments; 44 ground stone tools; 5 lots red ochre; 1 copper adze; 2 lots charred wood; 1 lithic petroglyph; 1 lot of over 900 points/blades/bifaces; 37 broken points/blades/bifaces; 4 possible shaft abraders; 2 blade preforms; 1 probable blade fragment; 45 unidentified stone fragments; 1 stone adze; 2 possible chopping tool fragments; 9 stone celt, celt fragments, and probable celt fragments; 1 stone axe/celt/chopping tool fragment; 3 unidentified worked stone fragments; 2 grooved stone tool fragments; 7 grooved stone axes; 5 stone gouges; 1 pebble; 1 possible core; 16 possible stone tool fragments; 3 unidentified stone tools; 26 stone slabs; 5 ceramic sherds; and 2 stone tool fragments, adze or axe. An additional 6 associated funerary objects currently missing from the collection are 1 debitage/lithic flake (#12380); 4 broken points/blades, probably Mansion Inn type (#s 10481, 10532, 10775, and 10815); and 1 point/blade, Mansion Inn, variety Dudley (#10136).

The human remains and associated funerary objects were removed from site 19–MD–210 by a number of individuals in 1959 when construction activity at the site of the old Mansion Inn revealed the presence of archeological features. The site was looted by local children, their parents, and friends, assisted by local collectors. Many kept what they had excavated, though some human remains and funerary objects were preserved in museum collections. Frederick Johnson, curator of the Robert S. Peabody Foundation for Archaeology (now the Robert S. Peabody Museum of Archaeology) undertook salvage excavations to recover some information about the site. Human remains and funerary objects removed by Johnson, Curtis Chapin, Alfred Mansfield, Leslie Longworth, Sr., William Brierly, and others were ultimately preserved in the Robert S. Peabody Museum of Archaeology and the Robbins Museum of Archaeology.

Excavations, studies, and one radiocarbon assay on organic material date the site from approximately 2111 to 1697 B.C. This is consistent with the Watertown Phase and subsequent Coburn Group of the Late Archaic Susquehanna Tradition (3900 to 2600 BP). Multiple lines of evidence guided by tribal consultations, including geographic location, maps, oral tradition, linguistic, and archeological data, demonstrate a shared group identity between the human remains and associated funerary objects in this notice and the Wampanoag Repatriation Confederation, representing the Mashpee Wampanoag Indian Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.) and the Wampanoag Tribe of Gay Head (Aquinnah) as well as the Assonet Band of the Wampanoag Nation and the Nipmuc Nation (non-federally recognized Indian groups).

Determinations Made by the Robbins Museum of Archaeology

Officials of the Robbins Museum of Archaeology have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 2 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 350 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. An additional 6 associated funerary objects currently missing from the collection.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Wampanoag Repatriation Confederation, representing the Mashpee Wampanoag Indian Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.) and the Wampanoag Tribe of Gay Head (Aquinnah). Additionally, a cultural relationship is determined to exist between the human remains and the Assonet Band of the Wampanoag Nation and the Nipmuc Nation, which are non-federally recognized Indian groups.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Lindsay Randall, Robbins Museum of Archaeology, 17 Jackson Street, Middleborough, MA 02346, telephone (978) 7497–4496, email *lrandall@andover.edu,* by October 23, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Wampanoag Repatriation Confederation, representing the Mashpee Wampanoag Indian Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.) and the Wampanoag Tribe of Gay Head (Aquinnah), and, if joined to one or more of the culturally affiliated tribes, the Assonet Band of the Wampanoag Nation and the Nipmuc Nation, which are non-federally recognized Indian groups, may proceed.

The Robbins Museum of Archaeology is responsible for notifying the Wampanoag Repatriation Confederation, representing the Mashpee Wampanoag Indian Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.) and the Wampanoag Tribe of Gay Head (Aquinnah) as well as the Assonet Band of the Wampanoag Nation and the Nipmuc Nation (non-federally recognized Indian groups) that this notice has been published.

Dated: August 21, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–20297 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023996; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Department of Anthropology, The University of Tulsa, Tulsa, OK

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Department of Anthropology, The University of Tulsa, has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Department of Anthropology, The University of Tulsa. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Department of Anthropology, The University of Tulsa, at the address in this notice by October 23, 2017.

ADDRESSES: Dr. Thomas Foster, Department of Anthropology, The University of Tulsa, Harwell Hall, Tulsa, OK 74104, telephone (918) 631–3082, email *thomas-foster@utulsa.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Department of Anthropology, The University of Tulsa. The human remains were removed from Craighead County, AR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Department of Anthropology, The University of Tulsa, professional staff in consultation with representatives of The Quapaw Tribe of Indians.

History and Description of the Remains

From 1964 to 1968, human remains representing, at minimum, 21 individuals were removed from the McDuffie or MacDuffie site (3CG21) in Craighead County, AR. These human remains were likely obtained by the Department of Anthropology at The University of Tulsa from the Gilcrease Museum in Tulsa, OK, which obtained artifacts and human remains from the site in 1982. The human remains represent three adult females, three adult males, ten adults of indeterminate sex, one juvenile of indeterminate sex, and four infants. No known individuals were identified. No associated funerary objects are present.

According to the Gilcrease Museum records, the McDuffie site (3CG21) is located near the town of Lunsford in Craighead County, AR. Excavation records indicate that the site consisted of a large village with two mounds. Non-destructive analysis indicates that the human remains are Native American. Cultural items associated with the human remains have been determined to date to the Middle Mississippian period (A.D. 1170–1300). Oral history evidence presented by representatives of The Quapaw Tribe of Indians indicates that the region has long been included in their traditional and hunting territory. French colonial records from 1700 also indicate that the Quapaw were known at that time to be the only Native American group present in the St. Francis River valley region where the McDuffie site is located. Based on the geographical location and the date of interment, the human remains are most likely to be culturally affiliated with The Quapaw Tribe of Indians.

Determinations Made by the Department of Anthropology, The University of Tulsa

Officials of the Department of Anthropology, The University of Tulsa, have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 21 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and The Quapaw Tribe of Indians.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Dr. Thomas Foster, Department of Anthropology, The University of Tulsa, Harwell Hall, Tulsa, OK 74104, telephone (918) 631–3082, email *thomas-foster@utulsa.edu,* by October 23, 2017. After that date, if

no additional requestors have come forward, transfer of control of the human remains to The Quapaw Tribe of Indians may proceed.

The Department of Anthropology, The University of Tulsa, is responsible for notifying The Quapaw Tribe of Indians that this notice has been published.

Dated: August 14, 2017.

Sarah Glass,

Acting Manager, National NAGPRA Program.

[FR Doc. 2017–20301 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023954; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Logan Museum of Anthropology, Beloit College, Beloit, WI

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Logan Museum of Anthropology has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Logan Museum of Anthropology. If no additional requestors come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Logan Museum of Anthropology at the address in this notice by October 23, 2017.

ADDRESSES: William Green, Logan Museum of Anthropology, Beloit College, 700 College Street, Beloit, WI 53511, telephone (608) 363–2119, email *greenb@beloit.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Logan Museum of Anthropology, Beloit College, Beloit, WI. The human remains were removed from Collier, Lee, and Martin Counties, FL, and possibly other locations in South Florida.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Logan Museum of Anthropology's professional staff in consultation with representatives of the Miccosukee Tribe of Indians. Representatives of the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)) and The Seminole Nation of Oklahoma were also contacted, but did not express an interest in being a part of the NAGPRA consultation.

History and Description of the Remains

In the 1970s, human remains representing, at minimum, four individuals were removed from the Buck Key South site (8LL2624) in Lee County, FL, by avocational archeologists. The excavated burials were mostly bundle burials believed, on the basis of their depth and the absence of historic trade goods, to be pre-contact Calusa. No temporally or culturally diagnostic material was noted or recovered with the burials. The site did contain Spanish contact material in the form of small glass beads on the surface, and not associated with the excavated burials. Other archeological sites on Buck Key contain material associated with the Caloosahatchee III–V periods (A.D. 1200–1750). James E. Lockwood, Jr., acquired the human remains and donated them to the Logan Museum in 1983. The human remains include three subadults of indeterminate sex and one adult male. No known individuals were identified. No associated funerary objects are present.

In the 1970s, human remains representing, at minimum, one individual were removed from the Horr's Island 6 site (8CR42) in Collier County, FL, by avocational archeologists. James E. Lockwood, Jr., acquired the human remains and donated them to the Logan Museum in 1983. Previous excavations had found European beads with the uppermost burials at the site, but the human remains removed in the 1970s are likely pre-contact Calusa (Glades 1–III periods, A.D. 800–1600) because they were found at a greater depth in the mound and had no trade goods. The human remains include one adult male. No known individual was identified. No associated funerary objects are present.

In the 1970s, human remains representing, at minimum, six individuals were removed from the Buck Key South site (8LL2624, Lee County, FL) and/or the Horr's Island 6 site (8CR42, Collier County, FL), by avocational archeologists. James E. Lockwood, Jr., acquired these human remains and donated them to the Logan Museum in 1983. On the basis of the known human remains from Buck Key South and Horr's Island 6 in the Lockwood collection, it is likely that these human remains are pre-contact in age (A.D. 800–1600). The human remains include one adult female, three adult probable females, and two adult males. No known individuals were identified. No associated funerary objects are present.

Around 1972, human remains representing, at minimum, 20 individuals were removed from the Hutchinson's Island Burial Mound (8MT37) in Martin County, FL, by avocational archeologists. Burials were located at depths of two to four feet and included several secondary burials (bundled, flexed, extended) as well as one primary extended burial. James E. Lockwood, Jr., acquired these human remains and donated them to the Logan Museum in 1983. At a minimum, the human remains of one individual were definitely removed from Hutchinson's Island Burial Mound, and 19 additional individuals were likely removed from this mound. The individuals determined as likely from this site are those that were not treated with a preservative. Notes indicate that this site is the only one in the Lockwood collection whose human remains were not so treated. Previously excavated material from this site has been attributed to the Late Archaic (2000–1200 B.C.) and Glades I (1000 B.C.–A.D. 750) periods and to the pre-contact Ais culture. The human remains include three adult males, six adult probable females, six adult probable males, two adults of unknown sex, one adult or subadult of unknown sex, one subadult female, and one subadult of unknown sex. No known individuals were identified. No associated funerary objects are present.

In the 1970s, human remains representing, at minimum, one individual were removed by avocational archeologists from a mound in South Florida. The human remains were probably removed from Buck Key South (8LL2624, Lee County, FL), Horr's Island 6 (8CR42, Collier County, FL), or the Hutchinson Island Burial Mound (8MT37, Martin County, FL). James E. Lockwood, Jr., acquired these human remains and donated them to the Logan Museum in 1983. The human remains include one juvenile of indeterminate sex. No known individual was identified. No associated funerary objects are present.

At an unknown date, human remains representing, at minimum, 11 individuals were removed from an unknown site or sites in Florida. In 1975, Herbert S. Zim donated these human remains to the museum. Because Zim lived in South Florida, it is likely that the human remains are from South Florida. The human remains include four adult males, one adult of indeterminate sex, four subadults of indeterminate sex, and two individuals of indeterminate age and sex. No known individuals were identified. No associated funerary objects are present.

Determinations Made by the Logan Museum of Anthropology

Officials of the Logan Museum of Anthropology have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on archeological contexts and physical characteristics.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of a minimum of 43 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Miccosukee Tribe of Indians, the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)), and The Seminole Nation of Oklahoma.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Miccosukee Tribe of Indians, the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)), and The Seminole Nation of Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Miccosukee Tribe of Indians, the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)), and The Seminole Nation of Oklahoma.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to William Green, Logan Museum of Anthropology, Beloit College, 700 College Street, Beloit, WI 53511, telephone (608) 363–2119, email *greenb@beloit.edu,* by October 23, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Miccosukee Tribe of Indians, the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)), and The Seminole Nation of Oklahoma may proceed.

The Logan Museum of Anthropology is responsible for notifying the Miccosukee Tribe of Indians, the Seminole Tribe of Florida (previously listed as the Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood & Tampa Reservations)), and The Seminole Nation of Oklahoma that this notice has been published.

Dated: August 4, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–20291 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023930; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kansas State University, Manhattan, KS

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: Kansas State University has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice who wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Kansas State University. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice who wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Kansas State University at the address in this notice by October 23, 2017.

ADDRESSES: Dr. Lauren W. Ritterbush, Department of Sociology, Anthropology, and Social Work, Kansas State University, 204 Waters Hall, 1603 Old Claflin Place, Manhattan, KS 66506–4003, telephone (785)-532–6828, email *lritterb@ksu.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Kansas State University, Manhattan, KS. The human remains and associated funerary objects were removed from Calovich Mound (14WY7), Wyandotte County, KS.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Kansas State University professional staff in consultation with representatives of the Iowa Tribe of Kansas & Nebraska; Iowa Tribe of Oklahoma; Kaw Nation,

Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; and Ponca Tribe of Indians of Oklahoma.

History and Description of the Remains

In 1962, with follow-up work in 1963 and 1965, human remains representing, at minimum, 79 individuals and associated objects were removed from Calovich Mound (14WY7) in Wyandotte County, KS. The human remains were removed during excavations as part of a University of Kansas field class under the direction of Drs. William Bass and Robert Squier. The human remains were curated at the University of Kansas until 1975 when they were transferred to the physical anthropology laboratory at Kansas State University for analysis. Analysis was completed by a Wichita State University Master's student, Ms. Ethne Barnes (1977). The human remains included male and female individuals ranging in age from newborn to adults 60 years or older with 38% infants, 34% children, 4% adolescents, and 24% adults. No known individuals were identified. The present collection holds 60 associated funerary objects including 1 partial bone pendant, 3 shell pendants, 13 shell disk beads, and 43 pieces of unmodified freshwater mussel shell. Other objects were identified during the analysis but are not present in the collection.

Calovich Mound is assigned to the Steed-Kisker phase of the Late Prehistoric (Middle Ceramic) period with a single radiocarbon date suggesting an approximate age of A.D. 1027–1285. Research suggests the Steed-Kisker phase is part of the Central Plains tradition, a hunter-gatherer-gardener adaptive system of the Central Plains region (not a single ethnic group). The precedent for other Steed-Kisker phase human remains was set by the Smithsonian Institution's National Museum of Natural History (NMNH) based on archeological, physical anthropological, and oral history evidence and consultation with Tribes. This was to effect a joint repatriation of the Steed-Kisker site human remains to the Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; and Ponca Tribe of Indians of Oklahoma. The implication is that the Steed-Kisker phase has a shared group identity with Northern Caddoans and with both Dhegiha and Chiwere Siouans.

Determinations Made by Kansas State University

Officials of Kansas State University have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of a minimum of 79 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 60 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; and Ponca Tribe of Indians of Oklahoma.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice who wish to request transfer of control of these human remains and existing associated objects should submit a written request with information in support of the request to Dr. Lauren Ritterbush, Department of Sociology, Anthropology and Social Work, Kansas State University, 204 Waters Hall, 1603 Old Claflin Place, Manhattan, KS 66506–4003, telephone (785) 532 6865, email *lritterb@ksu.edu,* by October 23, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated object to the Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma, and Ponca Tribe of Indians of Oklahoma may proceed.

Kansas State University is responsible for notifying the Iowa Tribe of Kansas and Nebraska; Iowa Tribe of Oklahoma; Kaw Nation, Oklahoma; Otoe-Missouria Tribe of Indians, Oklahoma; Pawnee Nation of Oklahoma; and Ponca Tribe of Indians of Oklahoma that this notice has been published.

Dated: August 1, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–20292 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023908: PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: New Jersey State Museum, Trenton, NJ

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The New Jersey State Museum has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the New Jersey State Museum. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the New Jersey State Museum at the address in this notice by October 23, 2017.

ADDRESSES: Dr. Gregory D. Lattanzi, Bureau of Archaeology & Ethnology, New Jersey State Museum, 205 West State Street, Trenton, NJ 08625, telephone (609) 984–9327, email *gregory.lattanzi@sos.nj.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the New Jersey State Museum, Trenton, NJ. The human remains and associated funerary objects were removed from multiple sites in New Jersey and one site in Pennsylvania.

This notice is published as part of the National Park Service's administrative

responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the New Jersey State Museum professional staff in consultation with representatives of the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Stockbridge Munsee Community, Wisconsin.

History and Description of the Remains

Philhower Collection

In the 1920s and 1930s, human remains representing, at minimum, 78 individuals were removed from sites in New Jersey and Pennsylvania by Charles A. Philhower. Philhower owned a house and a number of acres in Sussex County, NJ, and excavated on his property, called ''Ahaloking,'' and collected human remains and associated funerary objects from other sites around the area. After Mr. Philhower died in 1962, he bequeathed his archeological and ethnographic collection to Rutgers University Libraries and Special Collections who transferred the collection to the New Jersey State Museum on permanent loan. In 2010, Rutgers University gifted the entire Philhower Collection to the New Jersey State Museum. The Philhower collection includes the following cultural items:

Human remains representing, at minimum, 35 individuals were removed from the Ahaloking site in Sussex County, NJ. No known individuals were identified. The 24 associated funerary objects are 4 hair pipes, 10 disc shell beads, 1 fragment of brick, 1 flower fragment, 2 corn kernels, 1 mussel shell, 1 wire cut nail, 1 lot of ceramics, 1 lot of lithics, 1 dog burial, and 1 black chert projectile point.

Human remains representing, at minimum, 17 individuals were removed from the Bell Farm, Minisink Island, and Munsee Cemetery in Sussex County, NJ. No known individuals were identified. The 2 associated funerary objects are 1 lot of potsherd (66–MU–4) and 1 lot of deer bones (66–M–2). One associated funerary object, a pewter pipe with 2 hawks attached to the bowl, was found with an adolescent male on the Bell Farm.

Human remains representing, at minimum, one individual were removed from a site in Mount Holly, Burlington County, NJ, by Mr. Caldero, who gave the human remains to Mr. Philhower. No known individual was identified. No associated funerary objects are present.

Human remains representing, at minimum, two individuals were removed from a site in Milford, Hunterdon County, NJ. No known individuals were identified. The 2 associated funerary objects are 2 lithics and wood pieces.

Human remains representing, at minimum, three individuals were removed from sites in Monmouth, Morris, and Warren Counties, NJ. No known individuals were identified. No associated funerary objects are present.

Human remains representing, at minimum, 19 individuals were removed from the Cabin Ridge site in Cumberland County, NJ. No known individuals were identified. The 2 associated funerary objects are 1 lot of dog bones and turtle shells (66–CR–1A) and 1 lot of turtle shells, dog bones, and black walnut shells (66–CR–8A).

Human remains representing, at minimum, one individual were removed from a site in Shohola, Pike County, PA. No known individual was identified. No associated funerary objects are present.

Indian Site Survey Collection

In 1940, human remains representing, at minimum, two individuals were removed from a site in East Point, Cumberland County, NJ, by the Indian Site Survey which performed archeological excavations for the New Jersey State Museum. The human remains include fragments of two skulls, one identified as an adult male. No known individuals were identified. No associated funerary objects are present.

From 1936 to 1937, human remains representing, at minimum, two individuals were removed from a site in Murray, Burlington County, NJ, by the Indian Site Survey which performed archeological excavations for the New Jersey State Museum. The human remains include the partial skeletons of two adults. No known individuals were identified. The 4 associated funerary objects are four pottery sherds. An incised smoking pipe was listed in catalog records, but has been missing from the museum collections since 1984.

In 1938, human remains representing, at minimum, two individuals were removed from a site in Rosenkrans Ferry, Sussex County, NJ, by the Indian Site Survey which performed archeological excavations for the New Jersey State Museum. The human remains include one adult male and one adult female. No known individuals were identified. The 4 associated funerary objects are 2 netsinkers, 1 arrowhead, and 1 lot of pottery sherds.

In 1948, human remains representing, at minimum, nine individuals were removed from a site in Guilford Park, Ocean County, NJ, by the Indian Site Survey which performed archeological excavations for the New Jersey State Museum. The human remains include skulls of two adults, three children, and two infants; a mandible of one juvenile, and a partial skeleton of one adult. No known individuals were identified. The 2 associated funerary objects are 1 triangular projectile point and 1 small pottery vessel (whole). A pendant in the shape of a fish, two drilled pendants, and one small perforated shark's tooth were listed in catalog records, but have been missing from the museum collections since 1951.

In 1940, human remains representing, at minimum, one individual were removed from a site in Oyster Creek, Ocean County, NJ, by the Indian Site Survey which performed archeological excavations for the New Jersey State Museum. The human remains include one skull of a young adult female. No known individual was identified. No associated funerary objects are present. Two celts were listed in catalog records, but are missing from the museum collections.

In 1937, human remains representing, at minimum, seven individuals were removed from a site in Lenhardt, Monmouth County, NJ, by the Indian Site Survey which performed archeological excavations for the New Jersey State Museum. The human remains include male and female adult skeletons and one child skeleton. No known individuals were identified. The 9 associated funerary objects are 4 white clay trade pipes, 1 lot of red trade beads, 1 shell pendant, 1 twisted copper wire, 1 copper bracelet fragment, and 1 lot of black and white trade beads.

Sometime between 1936 and 1940, human remains representing, at minimum, one individual were removed from the Lillian Hurff farm in Burlington County, NJ, by the Indian Site Survey which performed archeological excavations for the New Jersey State Museum. The human remains include one skull. No known individual was identified. No associated funerary objects are present.

Sometime in the 1930s, human remains representing, at minimum, 2 individuals were removed from the vicinity of Plainfield in Union County, NJ, by George H. Fountain, an amateur archeologist who collected along the shores of Green Brook. Mr. Fountain's heirs donated the human remains to the

New Jersey State Museum in 1940, and the human remains were added to the Indian Site Survey collection. The human remains include a skull and fragmentary skeleton of one female juvenile and one child's mandible and humerus. No known individuals were identified. No associated funerary objects are present.

In 1941, human remains representing, at minimum, two individuals were removed from a site in Red Bank, along McClees Brook, in Monmouth County, NJ, by William Lufburrow, Jr., an amateur archeologist. Mr. Lufburrow, Jr., donated the human remains to the New Jersey State Museum in 1941, and the human remains were added to the Indian Site Survey collection. The human remains include two skeletons of adult females uncovered in a double burial and other fragmented remains. No known individuals were identified. The 1 associated funerary object is a stone effigy gorget.

Sometime prior to 1929, human remains representing, at minimum, one individual were removed from a site in Minisink, Sussex County, NJ, by Paul S. Tooker, an amateur archeologist. In 1929, Mr. Tooker loaned the human remains to the New Jersey State Museum, and in 1946, his widow donated them to the New Jersey State Museum where the human remains were added to the Indian Site Survey collection. The human remains include one skull, probably male. No known individual was identified. No associated funerary objects are present.

In 1940, human remains representing, at minimum, one individual were removed from a site in Island Heights, Ocean County, NJ, by George H. Matthews, an amateur archeologist. Mr. Matthews donated the human remains to the New Jersey State Museum in 1949, and they were added to the Indian Site Survey collection. The human remains include one partial set of remains of an adult. No known individual was identified. No associated funerary objects are present.

In 1935, human remains representing, at minimum, one individual were removed from a site in Waretown, Ocean County, NJ, by N.A. Hansen. Mr. Hansen donated the human remains to the New Jersey State Museum in 1951, and they were added to the Indian Site Survey collection. The human remains include one complete skeleton. No known individual was identified. No associated funerary objects are present.

In the 1930s, human remains representing, at minimum, one individual were removed from the Burton Scott property (site 28–OC–112) in Jackson Mills, Ocean County, NJ, by the New Jersey State Museum during the Indian Site Survey. No known individual was identified. No associated funerary objects are present.

From 1912 to 1913, human remains representing, at minimum, one individual were removed from a site in Emmans Grove near Swartswood Lake in Stillwater Township, Sussex County, NJ, by Max Schrabisch of the New Jersey Geologic Survey. The human remains were added to the Indian Site Survey collection and include a cranial fragment, a subadult mandible, and subadult mandible fragments. No known individual was identified. No associated funerary objects are present.

In June of 1954, human remains representing, at minimum, one individual were removed from a site in Indian Mills, Burlington County, NJ, by workmen digging a trench. The human remains were taken to the State Police Laboratory in Trenton, NJ, and then transferred to the New Jersey State Museum. The human remains were added to the Indian Site Survey collection and include an incomplete skull of an adult male. No known individual was identified. No associated funerary objects are present.

In 1940, human remains representing, at minimum, one individual were removed from a site in Waldwick, Bergen County, NJ, by Carl Schondorf, an amateur archeologist. Mr. Schondorf donated the human remains to the New Jersey State Museum, and they were added to the Indian Site Survey collection. The human remains include the complete skeleton of an adult male, over 55 years old. No known individual was identified. No associated funerary objects are present.

In 1936, human remains representing, at minimum, two individuals were removed from the Koens-Crispin site in Burlington County, NJ, by the Indian Site Survey which performed archeological excavations for the New Jersey State Museum. The human remains include the fragmentary remains of at least two individuals found in a pit. No known individuals were identified. The 3 associated funerary objects are argillite stone projectile points/spearheads.

Other Collections

In 1956, human remains representing, at minimum, 21 individuals were removed from the Steppel site in Morris County, NJ, by a field crew from the New Jersey State Museum. The human remains include the skulls and postcranial remains of two individuals found in one pit, fragmentary remains of multiple individuals found in other pits, and one separate flexed burial. No known individuals were identified. The 44 associated funerary objects are 1 worked flint, 1 lot of two flakes, 1 quartz crystal, 1 potsherd, 1 scraper, 1 celt, 1 winged pendant, 1 projectile point, 1 lot of two chert flakes, 1 lot of three potshers, 1 lot of 17 potsherds, 1 ceramic pipe, 1 implement fragment, 1 projectile point, 2 drill fragments, 1 implement fragment, 1 flake tool, 1 lot of four flakes, 1 lot of 51 potshers, 1 lot of eight potsherds, 1 lot of eight potsherds, 1 lot of six potsherds, 1 potsherd, 1 lot of two potsherds, 1 potsherd, 1 jasper implement fragment, 1 jasper flake implement, 1 reject flint, 1 lot of two flake cherts, 1 lot of 11 potsherds, 1 lot of six potsherds, 1 lot of two postsherds, 1 potsherd, 1 drill chert, 1 lot of three potsherds, 1 lot of seven potsherds, 1 lot of 25 potsherds, 1 flake tool chert, 1 bear canine tooth, 1 deer antler tip bone implement, 1 lot of human teeth, 1 lot of animal teeth, and 1 lot of human bone fragments. A triangular implement chert was listed in the catalog records, but is missing from the museum collections.

In the 1950s, human remains representing, at minimum, four individuals were removed from the Grantberry site in Pemberton, Burlington County, NJ, by a farmer who later donated them to the New Jersey State Museum. The human remains include the partial skeleton of two individuals and fragmentary remains of other individuals. No known individuals were identified. The 12 associated funerary objects are 11 lithic flakes and 1 clay pipe in four fragments.

Sometime prior to 1977, human remains representing, at minimum, one individual were removed from a landfill site in Hamilton Township, Mercer County, NJ, by Craig J. Rodrany, who donated them to the New Jersey State Museum in the same year. The human remains include fragments of a child. No known individual was identified. No associated funerary objects are present.

In 1990, human remains representing, at minimum, one individual were removed from a site in Cumberland County, NJ, by an amateur archeologist and loaned to the New Jersey State Museum. The human remains include a right mesial cuneiform bone. No known individual was identified. No associated funerary objects are present.

In 1938, human remains representing, at minimum, 10 individuals were removed from a site in Cumberland County, NJ, by a farmer during spring plowing. The human remains were taken to the Cumberland County Coroner and later donated to the New Jersey State Museum. The human remains include fragmentary remains.

No known individuals were identified. No associated funerary objects are present.

In 1940, human remains representing, at minimum, one individual were removed from the Medwin Knoll site, Sussex County, NJ, by W.B. Wilson, an amateur archeologist, who donated them to the New Jersey State Museum. The human remains include a fragmentary skull and infracranial remains. No known individual was identified. No associated funerary objects are present.

In 1980, human remains representing, at minimum, seven individuals were removed from a site in Gloucester City, Camden County, NJ, by a salvage crew during the construction of a building. The human remains were transferred to the New Jersey State Museum in 1980. The human remains include the fragmentary remains of at least seven individuals. No known individuals were identified. No associated funerary objects are present.

In the 1980s, human remains representing, at minimum, one individual were removed from site 28-Mi-72, in Monroe Township, Middlesex County, NJ, by a school group who discovered them eroding out of a bank. The human remains include skull fragments, limb fragments, and six teeth. No known individual was identified. The 27 associated funerary objects are 4 pieces of fire cracked rock, 22 flakes, and 1 piece of glass.

In 1995, State Archaeologist Dr. Lorraine Williams identified all of the human remains listed in this notice as dating from the Woodland Period to the Contact Period, a time during which Delaware-speaking groups occupied this area of New Jersey. Consultation with the Western Delaware Nation, the Stockbridge Munsee, and the Delaware Tribe of Indians occurred in 1995, and all representatives agreed that the locations from which these human remains were removed was traditionally occupied by the Delaware until progressive removals westward began in the early 1700s. It was noted during consultation that the presence of the Shawnee in the northern portion of the Delaware River Valley in the late 17th and early 18th centuries has been historically documented. Based on the analysis of the human remains, site information, and consultation, the New Jersey State Museum has determined a cultural affiliation between the human remains and associated funerary objects and the Delaware (Lenape) people.

Determinations Made by the New Jersey State Museum

Officials of the New Jersey State Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 161 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 137 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Stockbridge Munsee Community, Wisconsin.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Dr. Gregory D. Lattanzi, Bureau of Archaeology & Ethnology, New Jersey State Museum, 205 West State Street, Trenton, NJ 08625, telephone (609) 984–9327, email *gregory.lattanzi@sos.nj.gov,* by October 23, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Stockbridge Munsee Community, Wisconsin, may proceed.

The New Jersey State Museum is responsible for notifying the Delaware Nation, Oklahoma; Delaware Tribe of Indians; and the Stockbridge Munsee Community, Wisconsin, that this notice has been published.

Dated: July 28, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–20305 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023936; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: U.S. Army Corps of Engineers, Omaha District, Omaha, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers, Omaha District (Omaha District), in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Omaha District. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Omaha District at the address in this notice by October 23, 2017.

ADDRESSES: Ms. Sandra Barnum, U.S. Army Engineer District, Omaha, ATTN: CENWO–PM–AB, 1616 Capital Avenue, Omaha, NE 68102, telephone, (402) 995–2674, email *sandra.v.barnum@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Omaha District, Omaha, NE., that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

Between 1965 and 1968, two cultural items were removed from the Fort Manuel site (39CO5), Corson County, SD, and are presently located at the South Dakota State Archaeological Research Center (SARC), under the managerial control of the Omaha District. Between 1965 and 1966, G. Hubert Smith recovered human remains (Individual 2) and associated funerary objects. In 1968, J.J. Hoffman and R.B. Johnson, SIRBS, recovered the human remains of two other individuals (Individuals 1 and 3) and associated funerary objects consisting of wood fragments. The human remains were stored at the University of Nebraska-Lincoln until 1986, when they were moved to SARC. In 1987, the University of Tennessee-Knoxville received the human remains and conducted an inventory before returning them to SARC in 1988. The human remains were housed at SARC until May 20, 1994, when they were repatriated to the Cheyenne River Sioux with the wood fragments. The remaining two unassociated funerary objects are two bear proximal phalanges that records show were originally collected with Individual 2.

The Fort Manuel site (39CO5) is a multi-component site on a narrow terrace above the confluence of the Missouri River and Hunkpapa Creek, and was most likely occupied during the Middle Missouri Tradition (900–1500), Extended (1500–1675), Post-contact Coalescent (1675–1780), and Historic period (post-1800). Fort Manuel was established at the location as a trading post by the Missouri Fur Company in 1812 and abandoned in 1813. A journal kept by a Company clerk at Fort Manuel states that two Company men, one Native American man, and two Native American women died during the winter of 1812–1813, indicating a Historic period occupation. None of the individuals recovered from the site can be tied to the journal with any certainty. Individual 1 was found with wood fragments, possibly either coffin or wood slab fragments, which indicates either a Lakota affiliation (post-1868) or an Arikara affiliation (1500–1780). Individual 2 was placed on a scaffold then later buried, indicating an Arikara affiliation. Individual 3 was found on the surface of the site indicating a Historic period occupation and affiliated with the Lakota or Arikara. Mortuary practices of the Individual 2 as well as historic documentation indicate the human remains are most likely affiliated with the Arikara.

In August of 1979, 24 cultural items were removed from the Bergner site (39BR36), Brule County, SD, and are presently located at the South Dakota State Archaeological Research Center (SARC), under the managerial control of the Omaha District. The Bergner site is a burial site on a flat terrace above Lake Francis Case, south of Chamberlain, SD, and was discovered in August of 1979 by Mr. Lawrence Bergner. The human remains were eroding out of the bank and Mr. Bergner reported it to local authorities, who collected the human remains and 24 funerary objects. The human remains were then released to Timothy R. Nowak, Corp of Engineers field archeologist, who assessed the site but did no further excavations. At least 4 sets of human remains were recovered. The funerary objects were turned over to SARC in 1981. The human remains remained with the Corps of Engineers until some time prior to 1990, when they were reburied at site 39ST15 on the Missouri River. The excavation records show the funerary items as having been removed from the burial of a specific individual from site 39BR36. The 24 unassociated funerary objects are 16 burned clay fragments; 4 ceramic rim sherds (Iona Indented and La Roche, Wheeler); 2 bison horn cores; 1 skunk humerus; and 1 lot of wood fragments.

The Bergner site (39BR36) is a burial site that was most likely occupied between 1550 and 1675, dating to the Extended Variant of the Coalescent tradition. The archeological community associates the pottery types with the Extended Variant of the Coalescent tradition. Populations associated with the Coalescent tradition within this area and time frame are believed to be ancestral to the Arikara, therefore the unassociated funerary objects are most likely affiliated with the Arikara.

In approximately 1975, 31 cultural items were collected from the Oacoma Village site (39LM26), Lyman County, SD, and are presently located at the South Dakota State Archaeological Research Center (SARC), under the managerial control of the Omaha District. The Oacoma Village site is a large village on a low terrace above the Missouri River and was excavated around 1975 by an unknown individual. At least two sets of human remains were recovered. In 1978, the human remains were discovered during an inventory at SARC in 1978. It is unclear how the remains came to be at SARC. In the same year, the University of Tennessee-Knoxville received the human remains and conducted an inventory before returning them to South Dakota in 1986. The human remains were then reburied at site 39ST15 on the Missouri River. SARC records show the funerary items as having been removed from the burial of a specific individual from site 39LM26. The 31 unassociated funerary objects are 13 ceramic rim sherds; 10 ceramic body sherds; 1 bison mandible; 1 modified bison rib tool; 1 biface knife; 1 biface core; 1 plate chalcedony knife; 1 utilized chert flake; 1 thinning flake; and 1 spokeshave.

The Oacoma Village site (39LM26) is a large village that was most likely occupied during several components between 1500 and 1862, all variants of the Coalescent tradition. The entire Oacoma Village site encompasses a large area that was previously three sites, Oacoma Village I (39LM24), Oacoma Village II (39LM26), and Oacoma Village III (39LM27). The three sites were later combined and considered Oacoma Village (39LM26) when excavated by Marvin F. Kivett, Smithsonian Institute River Basin Survey, between 1951 and 1952, and prior to the discovery of the burials in 1975. The village was comprised of 40–50 houses. The Oacoma Village site that was excavated by Kivett included ceramic pottery types that are associated with a Post Contact Coalescent tradition (1675–1780) occupation. The rim sherds found with the burials in 1975 represent pottery types found in three different periods, Extended Coalescent tradition, Post Contact Coalescent tradition, and the Disorganized Coalescent tradition. These three periods are known for primary inhumations, which researchers believe was done for the two sets of human remains. Populations associated with the Coalescent tradition within this area and time frame are believed to be ancestral to the Arikara, therefore the unassociated funerary objects are likely affiliated with the Arikara.

The Arikara are represented today by the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota. Consultation with the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, indicates that these kinds of funerary objects are placed with individuals at the time of death.

Determinations Made by the U.S. Army Corps of Engineers, Omaha District

Officials of the U.S. Army Corps of Engineers, Omaha District, have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 57 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and

are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Ms. Sandra Barnum, U.S. Army Engineer District, Omaha, ATTN: CENWO–PM–AB, 1616 Capital Avenue, Omaha, NE 68102, telephone, (402) 995–2674, email *sandra.v.barnum@usace.army.mil,* by October 23, 2017. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, may proceed.

The U.S. Army Corps of Engineers, Omaha District, is responsible for notifying the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, that this notice has been published.

Dated: August 2, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–20294 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023846; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of the Interior, Bureau of Reclamation, Mid-Pacific Region, Sacramento, CA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of the Interior, Bureau of Reclamation (Reclamation), Mid-Pacific Regional Office, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to Reclamation, Mid-Pacific Regional Office. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the U.S. Department of the Interior, Bureau of Reclamation, Mid-Pacific Regional Office, at the address in this notice by October 23, 2017.

ADDRESSES: Melanie Ryan, NAGPRA Specialist/Physical Anthropologist, Bureau of Reclamation, Mid-Pacific Regional Office, MP–153, 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 978–5526, email *emryan@usbr.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of Reclamation, Mid-Pacific Regional Office, Sacramento, CA. The human remains and associated funerary objects were removed from Calaveras and Tuolumne Counties, CA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by Reclamation, Mid-Pacific Regional Office, professional staff in consultation with representatives of the Bishop Paiute Tribe (previously listed as the Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California) and the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California. The following Indian Tribes were invited to consult but did not participate in consultation: The Buena Vista Rancheria of Me-Wuk Indians; California Valley Miwok Tribe; Chicken Ranch Rancheria of Me-Wuk Indians; Ione Band of Miwok Indians; Jackson Rancheria of Me-Wuk Indians; Shingle Springs Band of Miwok Indians; and Wilton Rancheria (hereafter referred to as ''The Invited and Consulted Tribes'')

History and Description of the Remains

In August of 1975, human remains representing, at minimum, one individual, were inadvertently removed from the Texas Charley Gulch site (CA–CAL–0338, original site number 4–CAL–S–286) in Calaveras County, CA. The site was first excavated in 1975 by San Francisco State University under the direction of Dr. Michael Moratto. Three burials were encountered in two of the units, but the human remains were left in situ. In 2013, SFSU notified Reclamation of the existence of an isolated left mandibular second premolar in the CA–CAL–0338 collection. Physical custody was transferred to Reclamation, Mid-Pacific, on March 31, 2013. Subsequent reanalysis of the site CA–CAL–0338 faunal assemblage by Reclamation, Mid-Pacific, professional staff resulted in the identification of an additional 97 pieces of human bone. The fragmentary nature of the remains precluded determination of age or sex. No known individual was identified. The five associated funerary objects include four Olivella shell beads and one Haliotis disc. A sixth grave item, a bone awl fragment was not among the items transferred by San Francisco State University to Reclamation, Mid-Pacific, in 2013.

Age estimates of CA–CAL–0338 are based on temporally-diagnostic artifacts and radiocarbon dates. Uncalibrated ^{14}C dates of 320 ±80 BP (Unit I–100–N, I–9040) and 405 ±80 BP (Unit G–100–S, I–9039) suggest a Late Horizon occupation for all three burials. However, the carbon samples were not directly associated with the remains; rather they were extracted from undifferentiated midden deposits in the general vicinity of the burials. The single Type M1a Olivella bead found in association with Burial 3 suggests that this individual was interred sometime between the beginning of the Middle Period (circa 200 B.C.) and the end of Phase 1 of the Late Period (circa A.D. 1500). The Type G2b Olivella beads, while not definitively associated with Burials 2 and 5, are temporally diagnostic for the timespan between the Early/Middle

Period Transition (circa 500–200 B.C.) and the end of the Middle Period (circa A.D. 1000). A single H3b Haliotis flat disc is consistent with an occupation sometime prior to circa A.D. 500.

As the foregoing makes clear, there is a fundamental disagreement between the radiometric data and the index artifacts for two of the three burials. The radiocarbon data suggests that all three burials date to circa A.D. 1500, which would indicate a clear relationship with the modern-day Me-Wuk. In the case of Burial 3, this estimate is supported by the Type M1a bead, which overlaps with the radiocarbon date at the extreme end of its temporal distribution. However, the shell beads found with Burials 2 and 5 indicate a much earlier occupation, perhaps as early as 200 B.C. Overlap in the temporal ranges of Olivella G2b beads and Haliotis H3b flat disc suggest that Burials 2 and 5 were interred no later than A.D. 500.

Contextual ambiguity for both the radiometric and index artifacts are not resolvable, rendering these data largely equivocal. For Burial 3, the sum totality of the evidence is unambiguous and clearly indicates a cultural affiliation with the present-day Me-Wuk. In the absence of any quantitative method for determining interment dates for Burials 2 and 5, the existence of traditional tribal lands of the present-day Me-Wuk in the same geographical area is taken as prima facie evidence of continuous occupation of the site from antiquity into the ethnographic present.

In August of 1972, human remains representing, at minimum, one individual, were removed from site CA–TUO–0313 in Tuolumne County, CA. Human remains consisting of one right patella, one proximal hand phalanx, one middle hand phalanx, and one cervical vertebra were encountered by the excavators. In 2016, re-examination of the faunal assemblage by Reclamation professional staff identified additional human remains consisting of one ischium fragment (side indeterminate), one left pubis fragment, and four pieces of unidentified human bone. The human remains represent one adult of indeterminate sex. No known individual was identified. No associated funerary objects are present. The vertical distribution of human remains within a single unit suggests the disturbed interment of a single individual. The preponderance of the available evidence indicates that the human remains are culturally affiliated with the present-day Me-Wuk/Miwok.

In August of 1972, human remains representing, at minimum, one individual, were removed from site CA–TUO–0314 in Tuolumne County, CA. Human remains consisting of a fragment of a cervical vertebra and a rib were encountered by the excavators. In 2016, re-examination of the faunal assemblage by Reclamation, Mid-Pacific Region, professional staff identified additional human remains consisting of one vertebra fragment, one cervical vertebra, one rib, one first rib, and seventeen sternum fragments. The human remains represent one adult of indeterminate sex. No known individual was identified. No associated funerary objects are present. The vertical distribution of human remains within a single unit suggests the disturbed interment of a single individual. The bulk of the site CA–TUO–0314 artifact inventory consists of historic artifacts and suggest the possibility that the historic component of the site was accumulated through aboriginal activities. The artifacts are concentrated on the surface and upper levels, but occur in decreasing frequency all the way to the base of the deposit. Based on the artifact and contextual evidence, both Johnson (1973:79) and Moratto et al. (1988:193–194) estimate a brief-but-intensive occupation during the Gold Rush period. The preponderance of the available evidence indicates that the human remains are culturally affiliated with the present-day Me-Wuk/Miwok.

In August of 1972, human remains representing, at minimum, one individual, were removed from site CA–TUO–0307 in Tuolumne County, CA. The human remains consist of a fragment of a right femoral head and a nearly-complete left third metacarpal and represent one adult of indeterminate sex. No known individual was identified. No associated funerary objects are present. The small size of the site CA–TUO–0307 artifact inventory precludes any precise temporal placement, but two artifacts in the collection are temporally diagnostic. A single Stockton Serrated projectile point suggests an occupation in the middle of the Late Prehistoric period (A.D. 700–1100). A single Type H1a Olivella bead is temporally diagnostic to the Early Mission period (A.D. 1770–1800). Additionally, relatively few historic artifacts were present at site CA–TUO–0307. Most artifacts were found in the upper excavation levels, and none exhibiting any evidence of aboriginal use and/or modification. This site falls within the aboriginal lands of the Me-Wuk (Heizer 1978:ix, 400). Taken together, these data indicate an occupation beginning sometime during the Late Prehistoric period, probably no earlier than approximately A.D. 1200–1300. The preponderance of the evidence suggests that the human remains are culturally affiliated with the present-day Me-Wuk.

The collection from sites CA–TUO–0313, CA–TUO–0314, and CA–TUO–0307 was made by University of California Field School, Davis, under the direction of Patti Johnson. Excavation of the sites was done in compliance with an agreement between the National Park Service and the Foundation for Archaeological Research, Phase IV, of the New Melones Reservoir Archaeological Project. In 1978, ownership of the New Melones Dam and Reservoir transferred to the Department of the Interior, who directed Reclamation, Mid-Pacific Region, to be responsible for its operation and maintenance. The archeological collections resulting from the construction project were also transferred to Reclamation, Mid-Pacific Region. In 2014, the collection was moved to the New Melones Curation Facility (NMCF) located near the New Melones Visitors Center, Tuolumne County, CA. No intact burials were recorded during the excavations.

Determinations Made by the Bureau of Reclamation, Mid-Pacific Region

Officials of the Bureau of Reclamation, Mid-Pacific Region, have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of a minimum of four individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the five objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Buena Vista Rancheria of Me-Wuk Indians; California Valley Miwok Tribe; Chicken Ranch Rancheria of Me-Wuk Indians; Ione Band of Miwok Indians; Jackson Rancheria of Me-Wuk Indians; Shingle Springs Band of Miwok Indians; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; and Wilton Rancheria.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Melanie Ryan,

NAGPRA Specialist/Physical Anthropologist, Bureau of Reclamation, Mid-Pacific Office, MP–153, 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 978–5526, email *emryan@usbr.gov,* by October 23, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Buena Vista Rancheria of Me-Wuk Indians; California Valley Miwok Tribe; Chicken Ranch Rancheria of Me-Wuk Indians; Ione Band of Miwok Indians; Jackson Rancheria of Me-Wuk Indians; Shingle Springs Band of Miwok Indians; Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California; and Wilton Rancheria may proceed.

The Bureau of Reclamation, Mid-Pacific Region, is responsible for notifying The Invited and Consulted Tribes that this notice has been published.

Dated: August 1, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–20299 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024070; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Army Corps of Engineers, Omaha District, Omaha, NE, and State Archaeological Research Center, Rapid City, SD

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers, Omaha District, has completed an inventory of human remains and associated funerary objects, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and associated funerary objects and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the U.S. Army Corps of Engineers, Omaha District. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the U.S. Army Corps of Engineers, Omaha District, at the address in this notice by October 23, 2017.

ADDRESSES: Ms. Sandra Barnum, U.S. Army Engineer District, Omaha, ATTN: CENWO–PM–AB, 1616 Capital Avenue, Omaha, NE 68102, telephone, (402) 995–2674, email *sandra.v.barnum@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains and associated funerary objects under the control of the U.S. Army Corps of Engineers, Omaha District. The human remains and associated funerary objects were removed from site 39BF231, Buffalo County, SD.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains and associated funerary objects was made by the State Archaeological Research Center and the U.S. Army Corps of Engineers, Omaha District, professional staff in consultation with representatives of the Yankton Sioux Tribe of South Dakota.

History and Description of the Remains

In 1961, human remains representing, at minimum, two individuals were removed from site 39BF231 in Buffalo County, SD. The human remains were collected by Robert W. Neuman of the Smithsonian Institution, when thirteen coffin burials were excavated prior to construction of a new Highway 47. The human remains are determined to be Native American based on the location of the site, which is near the Crow Creek Indian Reservation. The human remains and associated funerary objects were stored at the Midwest Archeological Center (MWAC). The human remains were transferred from MWAC in 1964 to the University of Kansas, then to the University of Tennessee-Knoxville in 1971, and then to the Smithsonian Institution in 1979. The human remains are currently at the Smithsonian Institution and are not included in the Notice. MWAC did not transfer the funerary objects and the human remains together. Instead, MWAC transferred the funerary objects to the South Dakota State Archaeological Research Center (SARC) in 1987. In 1999 and 2000, SARC found human remains—mummified skin and hair—among the funerary objects. The mummified skin and hair are from two individual burials collected by Neuman in 1961. These human remains are currently housed at SARC. No known individuals were identified. The 1,351 associated funerary objects are 1,046 glass beads, 141 shell beads, 81 brass beads, 1 brass button, 16 glass buttons, 4 silver earrings, 1 vial of seeds, 2 wood fragments, 1 antler and brass handle, 1 chipped stone, 1 mirror with brass frame, 2 iron nails, 1 brass pendant, 3 pipe preforms, 38 iron pot fragments, 1 iron ring, 1 spoon, 2 brass tacks, 3 linen fragments, 3 wool fragments, and 2 brass thimbles.

The use of coffins for Native American burials and the alignment of the burials in rows are representative of the post-1870s, Early Reservation Period at the nearby Crow Creek Indian Reservation. By the 1870s, the reservation was inhabited by the Yanktonai. The associated funerary objects are consistent with Yanktonai historic burials. The Yanktonai today are represented by the Yankton Sioux Tribe of South Dakota. Consultation with the Yankton Sioux Tribe of South Dakota indicates that the associated funerary objects listed in this notice are the kinds of objects that were typically placed with individuals at the time of death.

Determinations Made by the U.S. Army Corps of Engineers, Omaha District

Officials of the U.S. Army Corps of Engineers, Omaha District, have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of two individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(3)(A), the 1,351 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or

later as part of the death rite or ceremony.

• Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and associated funerary objects and the Yankton Sioux Tribe of South Dakota.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Ms. Sandra Barnum, U.S. Army Engineer District, Omaha, ATTN: CENWO–PM–AB, 1616 Capital Avenue, Omaha, NE 68102, telephone, (402) 995–2674, email *sandra.v.barnum@usace.army.mil,* by October 23, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary objects to the Yankton Sioux Tribe of South Dakota may proceed.

The U.S. Army Corps of Engineers, Omaha District is responsible for notifying the Yankton Sioux Tribe of South Dakota that this notice has been published.

Dated: August 29, 2017.

Sarah Glass,

Acting Manager, National NAGPRA Program.

[FR Doc. 2017–20303 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023884; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Missouri Department of Natural Resources, Jefferson City, MO; Correction

AGENCY: National Park Service, Interior.

ACTION: Notice; correction.

SUMMARY: The Missouri Department of Natural Resources has corrected an inventory of human remains and associated funerary objects, published in a Notice of Inventory Completion in the **Federal Register** on July 30, 2013. This notice corrects the cultural affiliation of the human remains and associated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request to the Missouri Department of Natural Resources. If no additional requestors come forward, transfer of control of the human remains and associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to the Missouri Department of Natural Resources at the address in this notice by October 23, 2017.

ADDRESSES: Heather Gibb, Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102, telephone (573) 751–7858, email *heather.gibb@dnr.mo.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the correction of an inventory of human remains and associated funerary objects under the control of the Missouri Department of Natural Resources, Jefferson City, MO. The human remains and associated funerary objects were removed from the Clarksville Mound Group site (23PI6) in Pike County, MO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the Missouri Department of Natural Resources, which has control of the Native American human remains and associated funerary objects to which this notice pertains. The National Park Service is not responsible for the determinations in this notice.

This notice corrects the cultural affiliation of the human remains and associated funerary objects published in a Notice of Inventory Completion in the **Federal Register** (78 FR 45960, July 30, 2013). The correction is based on evidence of cultural affiliation of the human remains and associated funerary objects with The Osage Nation (previously listed as the Osage Tribe) that was provided after the Notice of Inventory Completion was published. Transfer of control of the items in this correction notice has not occurred.

Correction

In the **Federal Register** (78 FR 45960, July 30, 2013), column 2, full paragraph 2, under the heading ''Consultation,'' is corrected by substituting the following paragraph:

A detailed assessment of the human remains was made by professional staff of the Missouri Department of Natural Resources in consultation with representatives of the Sac & Fox Nation, Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Tribe of the Mississippi in Iowa; and The Osage Nation (previously listed as the Osage Tribe).

In the **Federal Register** (78 FR 45960, July 30, 2013), column 3, full paragraph 1, under the heading ''History and Description of the Remains,'' is corrected by substituting the following paragraph:

The area of Pike County, MO, was occupied by The Osage Nation (previously listed as the Osage Tribe) at various points in prehistory and was ceded by the Sauk and Fox in a series of treaties with the United States between 1804 and 1816. The Sauk and Fox are represented by the present-day Sac & Fox Nation, Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; and Sac & Fox Tribe of the Mississippi in Iowa. Cultural affiliation was determined based on tribal history, oral history, and the historical association of these tribes to the counties bordering the Mississippi River, including Pike County, MO.

In the **Federal Register** (78 FR 45960, July 30, 2013), column 3, full paragraph 5, under the heading ''Determinations Made by the Missouri Department of Natural Resources,'' is corrected by substituting the following paragraph:

Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Sac & Fox Nation, Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Tribe of the Mississippi in Iowa; and The Osage Nation (previously listed as the Osage Tribe).

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains and associated funerary objects should submit a written request with information in support of the request to Heather Gibb, Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102, telephone (573) 751–7858, email *heather.gibb@dnr.mo.gov,* by October 23, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains and associated funerary

objects to the Sac & Fox Nation, Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Tribe of the Mississippi in Iowa; and The Osage Nation (previously listed as the Osage Tribe) may proceed.

The Missouri Department of Natural Resources is responsible for notifying the Sac & Fox Nation, Oklahoma; Sac & Fox Nation of Missouri in Kansas and Nebraska; Sac & Fox Tribe of the Mississippi in Iowa; and The Osage Nation (previously listed as the Osage Tribe) that this notice has been published.

Dated: July 26, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–20296 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–23967; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: The Florida Department of State, Division of Historical Resources, Tallahassee, FL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Florida Department of State, Division of Historical Resources, has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Florida Department of State, Division of Historical Resources. If no additional requestors come forward, transfer of control of the human remains to the non-federally recognized Indian group stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Florida Department of State, Division of Historical Resources, at the address in this notice by October 23, 2017.

ADDRESSES: Jason O'Donoughue, Florida Department of State, Division of Historical Resources, The Governor John Martin House, 1001 De Soto Park Drive, Tallahassee, FL 32301, telephone (850) 245–6481, email *Jason.ODonoughue@dos.myflorida.com.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Florida Department of State, Division of Historical Resources, Tallahassee, FL. The human remains were removed from a site in Queens County, Long Island, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Florida Department of State, Division of Historical Resources, professional staff in consultation with the Unkechaug Indian Nation and the Matinecock Tribe of Long Island, both of which are non-federally recognized Indian groups. The Shinnecock Indian Nation was invited to participate but was not involved in consultations.

History and Description of the Remains

At an unknown date, human remains representing, at minimum, one individual were removed from an unknown site in Long Island, Queens County, NY, and were subsequently donated to the Museum of Arts and Sciences in Daytona Beach. The Florida Department of State, Division of Historical Resources, assumed jurisdiction over these human remains pursuant to Section 872.05, *Florida Statutes.* The human remains were determined to be from a Native American individual based on the labeling on the mandible stating ''MATINICACK INDIN LONG ISLAND.'' The Matinecock are a Native American group who are historically documented on Long Island and connected through kinship to the other Long Island Nations including the Unkechaug, Shinnecock, and Montaukett. Historical evidence suggests that the human remains may have come from a Matinecock cemetery that was removed in 1931 and 1932, when Northern Boulevard was widened in Queens Borough, Long Island, NY. The burials belonging to that cemetery were reportedly relocated to another cemetery. Descendants of people buried in the cemetery note that some of the human remains and items removed during the exhumations were not reburied. The Museum of Arts and Sciences in Daytona Beach lacked accession records from many of its older collections. The spelling of ''Matinicack Indin'' on the label of the mandible suggests that the human remains were collected by a non-professional archeologist or anthropologist who, on information or belief, determined that they were affiliated with the Matinecock. No other provenience information is available. No known individual was identified. No associated funerary objects are present.

Pursuant to 43 CFR 10.16, the Secretary of the Interior may recommend transfer of control of culturally unidentifiable human remains. In September 2016, the Florida Department of State, Division of Historical Resources, requested that the Secretary, through the Native American Graves Protection and Repatriation Review Committee, recommend the proposed transfer of control of the culturally unidentifiable Native American human remains in this notice to the Unkechaug Indian Nation, a non-federally recognized Indian group. The Review Committee, acting pursuant to its responsibility under 25 U.S.C. 3006(c)(5), considered the request at its March 2017 meeting and recommended to the Secretary that the proposed transfer of control proceed. An April 2017 letter on behalf of the Secretary of Interior from the National Park Service Associate Director for Cultural Resources, Partnerships, and Science transmitted the Secretary's independent review and concurrence with the Review Committee that:

- No Indian Tribes or Indian groups objected to the proposed transfer of control, and
- the Florida Department of State, Division of Historical Resources, may proceed with the agreed upon transfer of control of the culturally unidentifiable human remains to the Unkechaug Indian Nation, a non-federally recognized Indian group.

Transfer of control is contingent on the publication of a Notice of Inventory Completion in the **Federal Register**. This notice fulfills that requirement.

Determinations Made by the Florida Department of State, Division of Historical Resources

Officials of the Florida Department of State, Division of Historical Resources, have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on contextual and historical information.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- Pursuant to 43 CFR 10.11(c)(1), a ''tribal land'' or ''aboriginal land'' provenience cannot be ascertained.
- Pursuant to 43 CFR 10.10(g)(2)(ii) and 43 CFR 10.16, the disposition of the human remains will be to the Unkechaug Indian Nation, a non-federally recognized Indian group.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Jason O'Donoughue, Florida Department of State, Division of Historical Resources, The Governor John Martin House, 1001 De Soto Park Drive, Tallahassee, FL 32301, telephone (850) 245–6481, email *Jason.ODonoughue@dos.myflorida.com,* by October 23, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Unkechaug Indian Nation, a non-federally recognized Indian group, may proceed.

The Florida Department of State, Division of Historical Resources, is responsible for notifying the Shinnecock Indian Nation, the Unkechaug Indian Nation, and the Matinecock Tribe of Long Island that this notice has been published.

Dated: August 8, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–20300 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023997; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: U.S. Department of Agriculture, Forest Service, Rogue River-Siskiyou National Forest, Medford, OR

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture (USDA), Forest Service, Rogue River-Siskiyou National Forest, has completed an inventory of human remains, in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the human remains and present-day Indian Tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Rogue River-Siskiyou National Forest. If no additional requestors come forward, transfer of control of the human remains to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Rogue River-Siskiyou National Forest, at the address in this notice by October 23, 2017.

ADDRESSES: Robert MacWhorter, Forest Supervisor, Rogue River-Siskiyou National Forest, 3040 Biddle Road, Medford, OR 97501, telephone (541) 618–2030, email *rmacwhorter@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains that are housed at the Southern Oregon University Laboratory of Anthropology and under the control of the USDA, Forest Service, Rogue River-Siskiyou National Forest. The human remains were removed from the Siskiyou Mountains Ranger District of the Rogue River-Siskiyou National Forest, Jackson County, OR.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

Based on the likely cultural affiliation of the human remains and the aboriginally occupied lands of the Tribes, the Rogue River-Siskiyou National Forest consulted with the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation); Confederated Tribes of the Grand Ronde Community of Oregon; and Quartz Valley Indian Community of the Quartz Valley Indian Reservation of California. Formal consultation regarding the human remains began in 1995 and continued through 2007.

History and Description of the Remains

In 1971, and at some time between 1975 and 1979, human remains representing, at minimum, three individuals were removed from site 35JA90 in Jackson County, OR. The site is located on Federal land within the Siskiyou Mountains Ranger District. The Jackson County Sheriff's Department was notified of the discovery and removed the human remains for further examination. After examination, the Sheriff's Department turned the skeletal remains over to the Department of Sociology and Anthropology at Southern Oregon State College (now Southern Oregon University). Analysis of the human remains in 1995 and 1999 identified one female of an unknown age (Catalogue #11–425), one male between 20–23 years old (Catalogue #11–426), and one incomplete set of human remains of unknown sex and age (Catalogue Collection #2). No known individuals were identified. No associated funerary objects are present.

Site 35JA90 is a pre-contact village site with burial grounds located on Federal lands with a portion of the site located on private property. In 1979, Oregon State University (OSU) Department of Anthropology was contracted by the Rogue River National Forest to further investigate the site. The site was archeologically tested and recorded by archeologists Dr. David Brauner and Sandy Snyder. A Gunther-barbed projectile point and other projectile point types were noted at the site indicating an occupation date of approximately 1,500–150 years BP. The site is associated with the descendants of the Dakubetede (applegate

athapascan) or Upland Takelma/Latgawa or Shasta peoples, based on artifacts and the site location.

A relationship of shared group identity can be reasonably traced between this identifiable earlier group of people and the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) and the Confederated Tribes of the Grand Ronde Community of Oregon. In addition, according to final judgments of the Indian Claims Commission, the land from which the human remains were removed is within the aboriginally occupied lands of the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) and the Confederated Tribes of the Grand Ronde Community of Oregon.

Determinations Made by the USDA, Forest Service, Rouge River-Siskiyou National Forest

Officials of the Rogue River-Siskiyou National Forest have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of three individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American human remains and the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) and Confederated Tribes of the Grand Ronde Community of Oregon.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Robert MacWhorter, Forest Supervisor, Rogue River-Siskiyou National Forest, 3040 Biddle Road, Medford, OR 97501, telephone (541) 618–2030, email *rmacwhorter@fs.fed.us,* by October 23, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) and Confederated Tribes of the Grand Ronde Community of Oregon may proceed.

The Rogue River-Siskiyou National Forest is responsible for notifying the Confederated Tribes of Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation); Confederated Tribes of the Grand Ronde Community of Oregon; and Quartz Valley Indian Community of the Quartz Valley Reservation of California that this notice has been published.

Dated: August 14, 2017.

Sarah Glass,

Acting Manager, National NAGPRA Program.

[FR Doc. 2017–20293 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023948; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Alabama Department of Transportation, Montgomery, AL

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Alabama Department of Transportation has completed an inventory of human remains in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Alabama Department of Transportation. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Alabama Department of Transportation at the address in this notice by October 23, 2017.

ADDRESSES: William B. Turner, Alabama Department of Transportation, 1409 Coliseum Boulevard, Montgomery, AL 36110, telephone (334) 242–6144, email *turnerw@dot.state.al.us.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Alabama Department of Transportation, Montgomery, AL. The human remains were removed from the Whitesburg Bridge Site (1Ma10), Madison County, AL.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Tennessee Valley Authority and Alabama Department of Transportation staff professionals in consultation with representatives of the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, The Muscogee (Creek) Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma.

History and Description of the Remains

In April of 2012, human remains representing, at minimum, one individual were removed from the Whitesburg Bridge site (1Ma10) in Madison County, AL. On April 23, 2012, Tennessee Valley Authority (TVA) ARPA Investigations received a call from the Huntsville Police Department regarding illegal digging of a gravesite on the river bank at the Whitesburg Bridge in Huntsville, AL. Huntsville Police collected a portion of the human remains that were exposed in the river bank. The human remains were transferred to Alabama Department of Forensic Sciences (DFS) for identification. On April 25, 2012, TVA archeologists examined the site to assess the damage and determine if the location was on State or Federal land. After discussions between TVA and the Alabama Department of Transportation (ALDoT), it was decided that, because of evidence of active illegal digging at the site, TVA would excavate the rest of the human remains. The remaining human remains were excavated on April 26, 2012, by TVA archeologists and the site was covered with vegetation. A portion of the burial remained within the intact shell midden. Discoloration of some of the bone recovered on the river bank suggests that a portion of the burial had eroded out of the shoreline and was exposed to sun. A TVA Police Investigator collected the remaining human remains from DFS. TVA archeologist/osteologist Michaelyn

Harle analyzed the human remains and determined that the skeletal morphology is consistent with prehistoric Native American and not considered forensic in nature. Subsequent survey by Alabama Department of Transportation surveyors established that the human remains were barely inside ALDoT right-of-way. Consequently, on July 10, 2012, ALDoT took possession of the human remains from TVA.

Determinations Made by the Alabama Department of Transportation

Officials of the Alabama Department of Transportation have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on a recorded archeological site, visual osteomorphological structure of the long bones, and the significant occlusal wear on the dentition.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- According to final judgments of the Indian Claims Commission or the Court of Federal Claims, the land from which the Native American human remains were removed is the aboriginal land of the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, The Muscogee (Creek) Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, The Muscogee (Creek) Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to William B. Turner, Alabama Department of Transportation, 1409 Coliseum Boulevard, Montgomery, AL 36110, telephone (334) 242–6144, email *turnerw@dot.state.al.us,* by October 23, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, The Muscogee (Creek) Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma may proceed.

The Alabama Department of Transportation is responsible for notifying the Cherokee Nation, Eastern Band of Cherokee Indians, The Chickasaw Nation, The Muscogee (Creek) Nation, and United Keetoowah Band of Cherokee Indians in Oklahoma that this notice has been published.

Dated: August 3, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–20302 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023845; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Luther Bean Museum, Adams State University, Alamosa, CO

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Luther Bean Museum has completed an inventory of human remains, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian tribes or Native Hawaiian organizations. Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Luther Bean Museum. If no additional requestors come forward, transfer of control of the human remains to the Indian tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Luther Bean Museum at the address in this notice by October 23, 2017.

ADDRESSES: Danielle Persinger, Luther Bean Museum, 208 Edgemont Boulevard, Alamosa, CO 81101, telephone (719) 587–7151, email *lutherbean@adams.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Luther Bean Museum, Alamosa, CO. The human remains were removed from Alamosa County, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Luther Bean Museum professional staff in consultation with representatives of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Comanche Nation, Oklahoma; Jicarilla Apache Nation, New Mexico; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Kiowa Indian Tribe of Oklahoma; Navajo Nation, Arizona, New Mexico & Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Zia, New Mexico; San Juan Southern Paiute Tribe of Arizona; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Ute Tribe (previously listed as the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah); and Zuni Tribe of the Zuni Reservation, New Mexico.

History and Description of the Remains

In 1962, human remains representing, at minimum, one individual were removed from a site in Alamosa County, CO. The human remains were uncovered in the 1960s when an artificial lake and bathhouse were being developed. The human remains were then excavated by two Adams State University students and brought to the Luther Bean Museum where they have been housed ever since. In 2005, the Museum brought in a graduate student

from the University of Montana with training in Native American osteology to the museum to examine the remains. The remains were determined to be a Native American woman in her early twenties. The human remains were probably not more than a few hundred years old. No known individuals were identified. No associated funerary objects are present.

At the time of the excavation and removal of these human remains, the land from which the human remains were removed was not the tribal land of any Indian tribe or Native Hawaiian organization. In 2017, the Luther Bean Museum consulted with all Indian tribes who are recognized as aboriginal to the area from which these Native American human remains were removed. These tribes are the Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Comanche Nation, Oklahoma; Jicarilla Apache Nation, New Mexico; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Kiowa Indian Tribe of Oklahoma; Navajo Nation, Arizona, New Mexico & Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Zia, New Mexico; San Juan Southern Paiute Tribe of Arizona; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Ute Tribe (previously listed as the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah); and Zuni Tribe of the Zuni Reservation, New Mexico. None of these Indian tribes agreed to accept control of the human remains. In 2017, the Luther Bean Museum agreed to transfer control of the human remains to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado.

Determinations Made by the Luther Bean Museum

Officials of the Luther Bean Museum have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on an examination by an osteologist.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of one individual of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian tribe.
- Pursuant to 43 CFR 10.11(c)(2)(i), the disposition of the human remains may be to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado.

Additional Requestors and Disposition

Representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Danielle Persinger, Luther Bean Museum, 208 Edgemont Boulevard, Alamosa, CO 81101, telephone (719) 587–7151, email *lutherbean@adams.edu,* by October 23, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, may proceed.

The Luther Bean Museum is responsible for notifying the Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma (previously listed as the Cheyenne-Arapaho Tribes of Oklahoma); Comanche Nation, Oklahoma; Jicarilla Apache Nation, New Mexico; Kewa Pueblo, New Mexico (previously listed as the Pueblo of Santo Domingo); Kiowa Indian Tribe of Oklahoma; Navajo Nation, Arizona, New Mexico & Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Ohkay Owingeh, New Mexico (previously listed as the Pueblo of San Juan); Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Zia, New Mexico; San Juan Southern Paiute Tribe of Arizona; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Ute Tribe (previously listed as the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah); and the Zuni Tribe of the Zuni Reservation, New Mexico, that this notice has been published.

Dated: July 25, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–20306 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023937; PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent To Repatriate Cultural Items: U.S. Army Corps of Engineers, Omaha District, Omaha, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers, Omaha District (Omaha District), in consultation with the appropriate Indian tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Omaha District. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Omaha District at the address in this notice by October 23, 2017.

ADDRESSES: Ms. Sandra Barnum, U.S. Army Engineer District, Omaha, ATTN: CENWO–PM–AB, 1616 Capital Avenue, Omaha, NE 68102, telephone, (402) 995–2674, email *sandra.v.barnum@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Omaha District, Omaha, NE, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

In 1953, two cultural items were removed from the Cottonwood site (39HU43) in Hughes County, SD, and are presently located at the South Dakota State Archaeological Research Center (SARC), under the managerial control of the Omaha District. The Cottonwood site was excavated in 1953 by Wesley R. Hurt and Todd G. Willy. The excavation was a joint effort between the W.H. Over Museum-Vermillion, the South Dakota Archaeological Commission, and the U.S. National Park Service. At least two sets of human remains were recovered and stored at the W.H. Over Museum until 1974, when they were moved to SARC. In 1987, the University of Tennessee-Knoxville received the human remains and conducted an inventory before returning them to SARC in 1988. The human remains were then housed at SARC until May 20, 1994, when they were repatriated to the Sioux. SARC currently has two funerary objects that excavation records show as having been removed from the burial of a specific individual from site 39HU43. The two unassociated funerary objects are 1 unmodified wolf canine tooth and 1 ceramic body sherd.

The Cottonwood site (39HU43) is a farm settlement on a low terrace above the Missouri River that was probably occupied between 1870 and 1880, which falls into the Historic Sioux (Teton/Lakota) (1867–1900). Peoria Bottom was occupied in the early 1870s by 200 to 300 Native Americans, as well as by the first Protestant mission in the area, which included a boarding school for the Lakota Sioux. The Cottonwood site included 15 circular houses and several outdoor cache pit depressions. Three houses and one outdoor cache pit were excavated. The houses had basin-shaped tipi floors, in common with late-nineteenth century Lakota farm settlements. Gun cartridges were also recovered at the site, not in association with the burials, but which support the Historic Sioux occupation.

In 1962, six cultural items were removed from the Fort Thompson Burials II site (39BF10) in Buffalo County, SD, and are presently located at the South Dakota State Archaeological Research Center (SARC), under the managerial control of the Omaha District. The Fort Thompson Burials II site (39BF10) has six mound groups spread out along the left bank of the Missouri River on a terrace in the Big Bend area, downstream from Fort Thompson. Early in the 1960s, several burials were disturbed during construction of the Big Bend Dam. In December of 1962, Robert Grant and Joseph B. Brandon, State Archaeological Commission-Vermillion, SD, recovered the human remains and funerary objects. At least 4 sets of human remains were recovered. The human remains were stored at the W.H. Over Museum until 1974, when they were moved to the Office of the State Archaeologist (OSA) at Fort Meade. In 1979, the University of Tennessee-Knoxville received the human remains and conducted an inventory before returning them to the OSA. The human remains were then repatriated in 1982 to the Sioux. SARC currently holds six funerary objects that excavation records show as having been removed from the burial of a specific individual from site 39BF10. The six unassociated funerary objects are 2 linen textiles; 2 brass buttons; 1 wrought-iron coffin nail; and 1 bison femur fragment.

The Fort Thompson Burials II site (39BF10) was most likely occupied post-1860, which falls into the Early Reservation Period and is associated with the Crow Creek Indian Reservation, inhabited by the Santee and Winnebago, who were moved to Nebraska in the mid-1860s. In the 1870s, the reservation was inhabited by the Yanktonai. The unassociated funerary objects and manner of burial are most likely affiliated with the Yanktonai, who occupied the reservation for a longer period of time post-1860, than the Santee and Winnebago.

The Yanktonai today are represented by the Yankton Sioux Tribe of South Dakota. Consultation with the Yankton Sioux Tribe of South Dakota indicates that these kinds of funerary objects are placed with individuals at the time of death.

Determinations Made by the U.S. Army Corps of Engineers, Omaha District

Officials of the U.S. Army Corps of Engineers, Omaha District, have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 8 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Yankton Sioux Tribe of South Dakota.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Ms. Sandra Barnum, U.S. Army Engineer District, Omaha, ATTN: CENWO–PM–AB, 1616 Capital Avenue, Omaha, NE 68102, telephone, (402) 995–2674, email *sandra.v.barnum@usace.army.mil,* by October 23, 2017. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Yankton Sioux Tribe of South Dakota.

The U.S. Army Corps of Engineers, Omaha District, is responsible for notifying the Yankton Sioux Tribe of South Dakota that this notice has been published.

Dated: August 2, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–20295 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023919; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Kentucky Historical Society, Frankfort, KY

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Kentucky Historical Society has completed an inventory of human remains in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, and has determined that there is no cultural affiliation between the human remains and any present-day Indian Tribes or Native Hawaiian organizations. Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request to the Kentucky Historical Society. If no additional requestors

come forward, transfer of control of the human remains to the Indian Tribes or Native Hawaiian organizations stated in this notice may proceed.

DATES: Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to the Kentucky Historical Society at the address in this notice by October 23, 2017.

ADDRESSES: Beth Caffery Carter, Kentucky Historical Society, 100 West Broadway, Frankfort, KY 40601, telephone (502) 564–1792, email *bethc.carter@ky.gov.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of human remains under the control of the Kentucky Historical Society, Frankfort, KY. The human remains were removed from Fox Field, Mason County, KY and Steubenville, Jefferson County, OH.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3) and 43 CFR 10.11(d). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American human remains. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Kentucky Historical Society professional staff in consultation with representatives of the Eastern Band of Cherokee Indians. The Chickasaw Nation responded by letter and deferred to the Eastern Band of Cherokee Indians. The following Indian Tribes and groups were invited to consult but did not participate: Absentee-Shawnee Tribe of Indians of Oklahoma; Cherokee Nation; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Georgia Tribe of the Eastern Cherokee, a non-federally recognized Indian group; Shawnee Tribe; The Quapaw Tribe of Indians; United Keetoowah Band of Cherokee Indians in Oklahoma; and the Wisconsin Inter-Tribal Repatriation Committee, representing federally recognized Indian Tribes.

History and Description of the Remains

At some time prior to 1964, human remains representing, at minimum, 2 individuals were removed from Fox Field in Mason County, KY, and Steubenville in Jefferson County, OH. The human remains were loaned and then donated to the Kentucky Historical Society by Charles Johnson. The Kentucky Historical Society has no other information about the excavation of these human remains. The human remains include a skull of an adult female from the Fox Field site in Mason County, KY, and a skull of an adult male from Steubenville in Jefferson County, OH. No known individuals were identified. There are no associated funerary objects present.

Determinations Made by the Kentucky Historical Society

Officials of the Kentucky Historical Society have determined that:

- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice are Native American based on the minimal provenance that came in with them.
- Pursuant to 25 U.S.C. 3001(9), the human remains described in this notice represent the physical remains of 2 individuals of Native American ancestry.
- Pursuant to 25 U.S.C. 3001(2), a relationship of shared group identity cannot be reasonably traced between the Native American human remains and any present-day Indian Tribe.
- Treaties, Acts of Congress, or Executive Orders, indicate that the land from which the Native American human remains were removed is the aboriginal land of the Absentee-Shawnee Tribe of Indians of Oklahoma; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cherokee Nation; Eastern Band of Cherokee Indians; Shawnee Tribe; The Chickasaw Nation; The Quapaw Tribe of Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.
- Pursuant to 43 CFR 10.11(c)(1), the disposition of the human remains may be to the Absentee-Shawnee Tribe of Indians of Oklahoma; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cherokee Nation; Eastern Band of Cherokee Indians; Shawnee Tribe; The Chickasaw Nation; The Quapaw Tribe of Indians; and the United Keetoowah Band of Cherokee Indians in Oklahoma.

Additional Requestors and Disposition

Representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these human remains should submit a written request with information in support of the request to Beth Caffery Carter, Kentucky Historical Society, 100 West Broadway, Frankfort, KY 40601, telephone (502) 564–1792, email *bethc.carter@ky.gov,* by October 23, 2017. After that date, if no additional requestors have come forward, transfer of control of the human remains to Absentee-Shawnee Tribe of Indians of Oklahoma; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cherokee Nation; Eastern Band of Cherokee Indians; Shawnee Tribe; The Chickasaw Nation; The Quapaw Tribe of Indians; United Keetoowah Band of Cherokee Indians in Oklahoma; and, if joined to one or more of the Indian Tribes above, the following non-federally recognized Indian groups: The Echota Cherokee Tribe of Alabama; Georgia Tribe of the Eastern Cherokee; and the Wisconsin Inter-Tribal Repatriation Committee may proceed.

The Kentucky Historical Society is responsible for notifying the Absentee-Shawnee Tribe of Indians of Oklahoma; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cherokee Nation; Eastern Band of Cherokee Indians; Shawnee Tribe; The Chickasaw Nation; The Quapaw Tribe of Indians; United Keetoowah Band of Cherokee Indians in Oklahoma; Echota Cherokee Tribe of Alabama; Georgia Tribe of the Eastern Cherokee; and the Wisconsin Inter-Tribal Repatriation Committee that this notice has been published.

Dated: July 31, 2017.

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–20307 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0024037; PPWOCRADN0–PCU00RP14.R50000]

Notice of Inventory Completion: Robert S. Peabody Museum of Archaeology, Andover, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The Robert S. Peabody Museum of Archaeology has completed an inventory of associated funerary objects, in consultation with the appropriate Indian tribes or Native Hawaiian organizations, and has determined that there is a cultural affiliation between the associated funerary objects and present-day Indian tribes or Native Hawaiian organizations. Lineal descendants or representatives of any Indian tribe or Native Hawaiian

organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request to the Robert S. Peabody Museum of Archaeology. If no additional requestors come forward, transfer of control of the associated funerary objects to the lineal descendants, Indian tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to the Robert S. Peabody Museum of Archaeology at the address in this notice by October 23, 2017.

ADDRESSES: Ryan Wheeler, Robert S. Peabody Museum of Archaeology, 180 Main Street, Andover MA 01810, telephone (978) 749–4490, email *rwheeler@andover.edu.*

SUPPLEMENTARY INFORMATION: Notice is here given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003, of the completion of an inventory of associated funerary objects under the control of the Robert S. Peabody Museum of Archaeology, Andover MA. The associated funerary objects were removed from the Mansion Inn site, Wayland, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American associated funerary objects. The National Park Service is not responsible for the determinations in this notice.

Consultation

A detailed assessment of the human remains was made by the Robert S. Peabody Museum of Archaeology professional staff in consultation with representatives of the Wampanoag Repatriation Confederation, representing the Mashpee Wampanoag Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.) and the Wampanoag Tribe of Gay Head (Aquinnah) as well as the Assonet Band of the Wampanoag Nation and the Nipmuc Nation (non-federally recognized Indian groups).

History and Description of the Remains

In June 1959, 188 associated funerary objects were removed from the Mansion Inn site (19–MD–210) in Middlesex County, MA. At that time, human remains and funerary objects were removed from the site by a number of individuals when construction activity at the site of the old Mansion Inn revealed the presence of archeological features. The site was looted by local children, their parents, and friends, assisted by local collectors. Many kept what they had excavated, though some human remains and funerary objects were preserved in museum collections. Frederick Johnson, curator of the Robert S. Peabody Foundation for Archaeology (now the Robert S. Peabody Museum of Archaeology) undertook salvage excavations to recover some information about the site. Human remains and funerary objects removed by Johnson, Curtis Chapin, and others were ultimately preserved in the Robert S. Peabody Museum of Archaeology and the Massachusetts Archaeological Society/Robbins Museum. The 188 associated funerary objects are 3 adze fragments, 1 axe fragment, 61 bifaces and biface fragments, 25 flakes/debitage, 1 hammerstone, 2 charred nut hulls and charcoal, 22 pebbles, and 73 stone fragments.

Excavations, studies, and one radiocarbon assay on organic material date the site from approximately 2111 to 1697 B.C. This is consistent with the Watertown Phase and subsequent Coburn Group of the Late Archais Susquehanna Tradition. Multiple lines of evidence guided by tribal consultations, including geographic location, maps, oral tradition, linguistic, and archeological data, demonstrate a shared group identity between the human remains and associated funerary objects in this notice and the Wampanoag Repatriation Confederation, representing the Mashpee Wampanoag Indian Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.) and the Wampanoag Tribe of Gay Head (Aquinnah) as well as the Assonet Band of the Wampanoag Nation and the Nipmuc Nation (non-federally recognized Indian groups).

Determinations Made by the Robert S. Peabody Museum of Archaeology

Officials of the Robert S. Peabody Museum of Archaeology have determined that:

- Pursuant to 25 U.S.C. 3001(3)(A), the 188 objects described in this notice are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the Native American associated funerary objects and the Wampanoag Repatriation Confederation, representing the Mashpee Wampanoag Indian Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.) and the Wampanoag Tribe of Gay Head (Aquinnah). Additionally, a cultural relationship is determined to exist between the human remains and the Assonet Band of the Wampanoag Nation and Nipmuc Nation, which are non-federally recognized Indian groups.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian tribe or Native Hawaiian organization not identified in this notice that wish to request transfer of control of these associated funerary objects should submit a written request with information in support of the request to Ryan Wheeler, Robert S. Peabody Museum of Archaeology, 180 Main Street, Andover MA 01810, telephone (978) 749–4490, email *rwheeler@andover.edu,* by October 23, 2017. After that date, if no additional requestors have come forward, transfer of control of the associated funerary objects to the Wampanoag Repatriation Confederation, representing the Mashpee Wampanoag Indian Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.) and the Wampanoag Tribe of Gay Head (Aquinnah), and, if joined to one or more of the culturally affiliated tribes, the Assonet Band of the Wampanoag Nation and Nipmuc Nation, which are non-federally recognized Indian groups, may proceed.

The Robert S. Peabody Museum of Archaeology is responsible for notifying the Wampanoag Repatriation Confederation, representing the Mashpee Wampanoag Indian Tribe (previously listed as the Mashpee Wampanoag Indian Tribal Council, Inc.) and the Wampanoag Tribe of Gay Head (Aquinnah) as well as the Assonet Band of the Wampanoag Nation and the Nipmuc Nation (non-federally recognized Indian groups) that this notice has been published.

Dated: August 21, 2017

Melanie O'Brien,

Manager, National NAGPRA Program.

[FR Doc. 2017–20298 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NAGPRA–NPS0023938;PPWOCRADN0–PCU00RP14.R50000]

Notice of Intent to Repatriate Cultural Items: U.S. Army Corps of Engineers, Omaha District, Omaha, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The U.S. Army Corps of Engineers, Omaha District (Omaha District), in consultation with the appropriate Indian Tribes or Native Hawaiian organizations, has determined that the cultural items listed in this notice meet the definition of unassociated funerary objects. Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request to the Omaha District. If no additional claimants come forward, transfer of control of the cultural items to the lineal descendants, Indian Tribes, or Native Hawaiian organizations stated in this notice may proceed.

DATES: Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to the Omaha District, at the address in this notice by October 23, 2017.

ADDRESSES: Ms. Sandra Barnum, U.S. Army Engineer District, Omaha, ATTN: CENWO–PM–AB, 1616 Capital Avenue, Omaha, NE 68102, telephone (402) 995–2674, email *sandra.v.barnum@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3005, of the intent to repatriate cultural items under the control of the Omaha District, that meet the definition of unassociated funerary objects under 25 U.S.C. 3001.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 25 U.S.C. 3003(d)(3). The determinations in this notice are the sole responsibility of the museum, institution, or Federal agency that has control of the Native American cultural items. The National Park Service is not responsible for the determinations in this notice.

History and Description of the Cultural Items

Cultural items consisting of 55,802 unassociated funerary objects that were collected from site 39BF231 in Buffalo County, SD. They are presently located at the South Dakota State Archaeological Research Center (SARC) and are under the control of the Omaha District.

Site 39BF231 is a multi-component mound site on a gravel terrace situated above the confluence of the Missouri River and Campbell Creek. The site was recorded in 1956 by H.A. Huscher during the Smithsonian Institute River Basin Survey Project, and was excavated in 1961 by Robert W. Neuman for the Smithsonian Institution, before the construction of a new Highway 47. During the excavation, three dome-shaped mounds and 14 test pits were excavated and at least 13 sets of human remains were recovered. The human remains were stored at the River Basin Surveys Midwest Archeological Center (MWAC) until 1964, when they were moved to the University of Kansas. In 1971, the University of Tennessee-Knoxville received the human remains from the University of Kansas, where they remained until 1979, when they were transferred to the Smithsonian Institution, where they are currently held.

SARC currently houses the 55,802 funerary objects that were collected with one of the above individuals held at the Smithsonian. The excavation records clearly show these items as having been removed from the burial of a specific individual. These 55,802 unassociated funerary objects are 1 copper band, 2 brass beads, 55,462 glass beads, 41 shell beads, 1 glass bottle, 1 iron box, 6 copper alloy brooches, 1 iron buckle, 110 brass buttons, 6 glass buttons, 2 catlinite spheres, 6 brass chain fragments, 1 log fragment, 13 wood fragments, 1 bone paint brush, 3 elk teeth, 1 glass fragment, 14 iron fragments, 1 iron pail, 1 iron rod, 2 knife blade fragments, 1 lead ball, 2 lead pellets, 1 unidentified lead object, 1 projectile point, 1 lot of brooches, 1 lot of wool, 1 lot of hair, textile and beads, 4 oxidized metal fragments, 40 iron nails, 6 ornamental disc fragments, 1 pocket knife, 4 brass/glass rings, 16 brass rings, 3 copper alloy rings, 1 iron scissors, 2 iron scraper blades, 3 iron screws, 1 spoon, 10 brass tacks, 1 cotton fragment, 6 leather fragments, 1 leather shoe fragment, 1 ribbon fragment, 1 wool fragment, 3 wool/linen fragments, 1 brass thimble, 10 iron tinklers, 1 wooden bowl fragment, and 2 iron wristlets.

Site 39BF231 is a multi-component mound site that was probably occupied between 1863 and 1885, *i.e.,* during the Early Reservation Period (post-A.D. 1863). This site is associated with the Crow Creek Indian Reservation, which, by the 1870's was inhabited by the Yanktonai. Site 39BF231 has four dome-shaped earthen mounds, three of which were excavated. These mounds are part of a larger concentration of 90 mounds that occur in the Big Bend area on the Missouri River. Pink beads found at the site indicate a post-1850 occupation. Further, crooked shoes evidence continued occupation during the 1860s, while wire nails suggest that occupation continued at least through 1884. Researchers believe the individuals who were buried at the site are from a later occupation, as the individuals were placed in rows in the mounds. This practice suggests a transition to non-Native burial practices, which occurred in the area in the1880s. The unassociated funerary objects and manner of burial indicates that the mounds are affiliated with the Yanktonai. The Yanktonai today are represented by the Yankton Sioux Tribe of South Dakota. Consultation with the Yankton Sioux Tribe of South Dakota indicate that these kinds of objects were placed with individuals at the time of death.

Determinations Made by the U.S. Army Corps of Engineers, Omaha District

Officials of the U.S. Army Corps of Engineers, Omaha District have determined that:

- Pursuant to 25 U.S.C. 3001(3)(B), the 55,802 cultural items described above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and are believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual.
- Pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity that can be reasonably traced between the unassociated funerary objects and the Yankton Sioux Tribe of South Dakota.

Additional Requestors and Disposition

Lineal descendants or representatives of any Indian Tribe or Native Hawaiian organization not identified in this notice that wish to claim these cultural items should submit a written request with information in support of the claim to Ms. Sandra Barnum, U.S. Army Engineer District, Omaha, ATTN: CENWO–PM–AB, 1616 Capital Avenue, Omaha, NE 68102, telephone, (402)

995–2674, email *sandra.v.barnum@usace.army.mil,* by October 23, 2017. After that date, if no additional claimants have come forward, transfer of control of the unassociated funerary objects to the Yankton Sioux Tribe of South Dakota may proceed.

The U.S. Army Corps of Engineers, Omaha District is responsible for notifying the Yankton Sioux Tribe of South Dakota that this notice has been published.

Dated: August 29, 2017.

Sarah Glass,

Acting Manager, National NAGPRA Program.

[FR Doc. 2017–20304 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–24122; 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 September 2, 2017, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by October 10, 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 September 2, 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:

ARIZONA

Pima County

Fourth Avenue Commercial Historic District, 4th Ave. from approx. 4th to 9th Sts., Tucson, SG100001726

CALIFORNIA

Santa Cruz County

Wee Kirk, 9500 Central Ave., Ben Lomond, SG100001730

CONNECTICUT

Fairfield County

Comstock, Abijah, House, 1328 Smith Ridge Rd., New Canaan, SG100001731

Middlesex County

Westbrook Town Center Historic District, Old Clinton at Hammock Rds., Boston Post Rd. at Bellstone Ave., Trolley Rd., Boston Post, Rd. at Goodspeed Dr., Westbrook, SG100001732

New London County

Hodges Square Historic District, Bolles, Eastern, Central, Crystal & Terrace Aves., Bragaw, Williams, Rosemary, Grove &, Adelaide Sts., New London, SG100001733

FLORIDA

Dade County

Monticello Hotel, 210 W. 63rd St., Miami Beach, SG100001737

Hernando County

Richloam General Store and Post Office, 38219 Richloam Clay Sink Rd., Webster vicinity, SG100001734

Jackson County

Longwood House, 5124 Fort Rd., Greenwood, SG100001735

Martin County

Golden Gate Building, 3225 SE. Dixie Hwy., Stuart, SG100001736

Wakulla County

Sopchoppy Depot, (Florida's Historic Railroad Resources MPS), 34 Rose St., Sopchoppy, MP100001738

IOWA

Polk County

Valley Junction Commercial Historic District, 100–318 5th St. (even side 300 only) & cross streets, West Des Moines, SG100001739

MAINE

Knox County

Tolman Cemetery, 39 Lake Ave., Rockland, SG100001741

MISSOURI

Jasper County

Pennington Drug Company, (Historic Resources of Joplin, Missouri), 512–520 Virginia Ave., Joplin, MP100001742

NORTH DAKOTA

Nelson County

Episcopal Church of the Good Shepard—Lakota, (Episcopal Churches of North Dakota MPS), 216 D Ave. W., Lakota, MP100001743

Pembina County

Dease—Martineau House, Trading Post and Oxcart Trail Segments, 13565 105th St. NE., Leroy vicinity, SG100001744

RHODE ISLAND

Washington County

University of Rhode Island Historic District, Campus & E. Alumni Aves., Farmhouse, Greenhouse, Lippitt, Lower College, Ranger &, Upper College Rds., South Kingstown, SG100001745

SOUTH CAROLINA

Charleston County

Sixth Naval District Training Aids Library, 1056 King St., Charleston, SG100001747

Georgetown County

Parrish's Motor Court, 5098 US 17 Bus., Murrells Inlet, SG100001748

York County

Sadler Store, 405 S. Congress St., York, SG100001749VERMONT

Chittenden County

Pine Street Industrial Historic District, Address Restricted, Burlington vicinity, SG100001751

An owner objection was received for the following resource:

CALIFORNIA

Solano County

Sperry Flour Company Valleo Mills Historic District, 800 Derr Ave., Vallejo, SG100001729

Additional documentation has been received for the following resources:

ARIZONA

Maricopa County

Del Norte Place Historic District, (Residential Subdivisions and Architecture in Phoenix MPS), Virginia Ave. to Encanto Blvd. and 15th to 17th Aves., Phoenix, AD94001482

ARKANSAS

Pulaski County

Hillcrest Historic District, Bounded by Woodrow, Jackson and Markham Sts. and N. Lookout Rd., Little Rock, AD90001920

Central High School Neighborhood Historic District, Roughly bounded by MLK Dr., Thayer Ave., W. 12th St., and Roosevelt Rd., Little Rock, AD96000892

KENTUCKY

Mercer County

Harrodsburg Downtown Historic District, Roughly bounded by Lexington, Greenville, and Chiles Sts., Moreland and Beaumont Aves., Harrodsburg, AD80001657

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the properties in the National Register of Historic Places.

SOUTH CAROLINA

Anderson County

United States Post Office and Court House, 315 S. McDuffie St., Anderson, SG100001746

TENNESSEE

Blount County

Look Rock Observation Tower, (Great Smoky Mountains National Park MPS), Foothills Pkwy. W., Walland vicinity, MP100001750

Authority: 60.13 of 36 CFR part 60.

Dated: September 7, 2017.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program and Keeper, National Register of Historic Places.

[FR Doc. 2017–20181 Filed 9–21–17; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 178S180110; S2D2S SS08011000 SX064A000 17X501520]

Grant Notification for Fiscal Year 2018

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of availability.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement, are notifying the public that we intend to grant funds to eligible applicants for purposes authorized under the Abandoned Mine Land (AML) Reclamation Program. Additionally, we are notifying the public that we intend to grant funds to eligible applicants for regulating coal mining within their jurisdictional borders under the Regulatory Program. We will award these grants during fiscal year 2018.

DATES: A single point of contact or other interested state or local entities may submit written comments regarding AML and regulatory funding by December 15, 2017.

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

- *Email:* Send your comments to *jbautista@osmre.gov*.
- *Mail, hand-delivery, or courier:* Send your comments to Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 252–SIB, 1951 Constitution Avenue NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Jay Bautista, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave. NW., MS 130–SIB, Washington, DC 20240; Telephone (202) 208–7411.

SUPPLEMENTARY INFORMATION:

Grant Notification

We are notifying the public that we intend to grant funds to eligible applicants for purposes authorized under the Abandoned Mine Land (AML) Reclamation Program. Additionally, we are notifying the public that we intend to grant funds to eligible applicants for regulating coal mining within their jurisdictional borders under the Regulatory Program. We will award these grants during fiscal year 2018. Eligible applicants are those states and Indian Tribes with a regulatory program, regulatory development program, and/or reclamation plan approved under the Surface Mining Control and Reclamation Act of 1977 (SMCRA), as amended, 30 U.S.C. 1201 *et seq.,* and the State of Tennessee. Under Executive Order (E.O.) 12372, we must provide state officials the opportunity to review and comment on proposed Federal financial assistance activities. Of the eligible applicants, nineteen states or Indian tribes do not have single points-of-contact under the E.O.12372 review process; therefore, we are required to publish this notice as an alternate means of notification.

Description of the AML Program

SMCRA established the Abandoned Mine Reclamation Fund to receive the AML fees used to finance reclamation of AML coal mine sites. Title IV of SMCRA authorizes the Office of Surface Mining Reclamation and Enforcement to provide grants to eligible states and Indian tribes that are funded from permanent (mandatory) appropriations. Recipients use these funds to reclaim AML coal mine sites that were left abandoned prior to the enactment of SMCRA in 1977, reclaim eligible non-coal sites, and complete projects that address the impacts of mineral development and other non-reclamation projects.

Description of the Regulatory Program

Title VII of SMCRA authorizes the Office of Surface Mining Reclamation and Enforcement to provide grants to states and Indian tribes to develop, administer, and enforce state regulatory programs addressing the adverse effects of surface coal mining operations. Title V and Title VII authorize states to develop regulatory programs pursuant to SMCRA, and upon approval of regulatory programs, to assume regulatory primacy and act as the regulatory authorities, and to administer and enforce their respective approved SMCRA regulatory programs. Our regulations at Title 30 of the Code of Federal Regulations, Chapter VII implement the provisions of SMCRA.

Dated: August 21, 2017.

Glenda H. Owens,

Acting Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 2017–20261 Filed 9–21–17; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1028]

Certain Mobile Device Holders and Components Thereof Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge (''ALJ'') has issued a Recommended Determination on Remedy and Bond in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief. The ALJ recommended a general exclusion order (''GEO''); and cease and desist orders (''CDO'') against Respondents REXS LLC; Shenzhen Topworld Technology Co. d/b/a IdeaPro; Trendbox USA LLC d/b/a Trendbox; Tenswall d/b/a Shenzhen Tenswall International Trading Co. Ltd.; Luo Jieqiong d/b/a Wekin; Pecham d/b/a Baichen Technology Ltd.; Shenzhen New Dream Technology Co., Ltd., d/b/a Newdreams; Wang Zhi Gang d/b/a IceFox; Lin Zhen Mei d/b/a Anson; Tontek d/b/a Shenzhen Hetongtai Electronics Co., Ltd.; Scotabc d/b/a ShenChuang Optoelectronics Technology Co., Ltd.; Zhiping Zhou d/b/a Runshion; Oumeiou

d/b/a Shenzhen Oumeiou Technology Co., Ltd.; Wu Xuying d/b/a Novoland; Shenzhen Longwang Technology Co., Ltd., d/b/a LWANG; and Wang Guoxiang d/b/a Minse. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to Commission rules.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2737. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*https://edis.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, parties are to file public interest submissions pursuant to pursuant to 19 CFR 210.50(a)(4). In addition, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bond issued in this investigation on September 12, 2017. Comments should address whether issuance of a general exclusion order and/or cease and desist orders in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or cease and desist orders within a commercially reasonable time; and

(v) explain how the recommended exclusion order and/or cease and desist orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on October 20, 2017.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 1028'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary ((202) 205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes (all contract personnel will sign appropriate nondisclosure agreements). All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: September 18, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–20166 Filed 9–21–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Dynamic Random Access Memory Device and Product Containing Same, DN 3251;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the

Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Wen T. Lin on September 18, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain dynamic random access memory device and product containing same. The complaint names as respondents SK Hynix of South Korea and SK Hynix America Inc. of San Jose, CA. The complainant requests that the Commission issue a limited exclusion order and cease and desist orders.

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3251'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[1] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: September 18, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–20173 Filed 9–21–17; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Electrochemical Glucose Monitoring Systems and Components Thereof, DN 3252;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW.,

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Dexcom, Inc. on September 18, 2017. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electrochemical glucose monitoring systems and components thereof. The complaint names as respondent AgaMatrix, Inc. of Salem, NH. The complainant requests that the Commission issue a limited exclusion order and a cease and desist order, and impose a bond upon respondent alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(e)(1) and (f)(1).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3252'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, Electronic Filing Procedures).[1] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: September 18, 2017.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2017–20214 Filed 9–21–17; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov*

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Amended Consent Decree Under the Clean Air Act

On September 14, 2017, the Department of Justice lodged a proposed Amended Consent Decree under the Clean Air Act, 42 U.S.C. 7601 *et seq.,* with the United States District Court for the Southern District of Ohio in the matter entitled *Barbara Fisher and United States of America* v. *Perma-Fix of Dayton, Inc.,* Civil Action No. 3:04–cv–00418.

The proposed Amended Consent Decree between Plaintiff United States, on behalf of the U.S. Environmental Protection Agency (''U.S. EPA'') and 1) initial Settling Defendant Perma-Fix of Dayton, Inc. (''Perma-Fix'') and 2) current Settling Defendant Clean Water Limited (''CWL''), amends the original Consent Decree entered into by the United States and Perma-Fix and signed by the Court on February 12, 2008. CWL enters into the proposed Amended Decree by and through the Receiver of the facility appointed by the Franklin County Court of Common Pleas. The State of Ohio, on behalf of the Ohio Environmental Protection Agency (''Ohio EPA''), also enters into the

proposed Amended Decree by virtue of its proposed joinder as a party. The proposed Amended Decree would resolve alleged violations of the original Consent Decree and notices of violation sent to CWL by the U.S. EPA and Ohio EPA. The proposed Amended Consent Decree would terminate the original Consent Decree and be substituted for that Decree.

The publication of this notice opens a period for public comment on the proposed Amended Decree. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, and should refer to *Barbara Fisher and United States of America* v. *Perma-Fix of Dayton, Inc.,* D.J. Ref. No. 90–5–2–1–08318. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Acting Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Amended Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.justice.gov/enrd/consent-decrees.*

We will provide a paper copy of the proposed Amended 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 $47.50 (at 25 cents per page reproduction cost), or $10.50 (without exhibits), payable to the United States Treasury.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2017–20183 Filed 9–21–17; 8:45 am]

BILLING CODE 4410–CW–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (17–067)]

Notice of Intent To Grant Partially Exclusive Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant partially exclusive patent license.

SUMMARY: The National Aeronautics and Space Administration (NASA) hereby gives notice of its intent to grant a partially exclusive patent license in the United States to practice the inventions described and claimed in U.S. Patent Number 7,075,295 B2 titled ''Magnetic Field Response Sensor for Conductive Media,'' NASA Case Number LAR–16571–1; U.S. Patent Number 7,589,525 B2 titled ''Magnetic Field Response Sensor for Conductive Media,'' NASA Case Number LAR–16571–2; U.S. Patent No. 7,759,932 B2 titled ''Magnetic Field Response for Conductive Media,'' NASA Case Number LAR–16571–3; U.S. Patent No. 7,086,593 B2 titled ''Magnetic Field Response Measurement Acquisition System,'' NASA Case Number LAR–16908–1; U.S. Patent No. 7,047,807 B2 titled ''Flexible Framework for Capacitive Sensing,'' NASA Case No. LAR–16974–1; U.S. Patent No. 7,159,774 B2 titled ''Magnetic Field Response Measurement Acquisition System,'' NASA Case No. LAR–17280–1; U.S. Patent No. 8,430,327 B2 titled ''Wireless Sensing System Using Open-Circuit, Electrically-Conductive Spiral-Trace Sensor,'' NASA Case No. LAR–17294–1; U.S. Patent No. 8,673,649 B2 titled ''Wireless Chemical Sensor and Sensing Method for Use Therewith,'' NASA Case No. LAR–17579–1; U.S. Patent No. 9,329,149 B2 titled ''Wireless Chemical Sensor and Sensing Method for Use Therewith,'' NASA Case No. LAR–17579–2; U.S. Patent No. 9,733,203 B2 titled ''Wireless Chemical Sensing Method,'' NASA Case No. LAR–17579–3; U.S. Patent No. 8,179,203 B2 titled ''Wireless Electrical Device using Open-Circuit Elements Having No Electrical Connections,'' NASA Case No. LAR–17711–1; U.S. Patent Application No. 14/193,861 titled ''Wireless Temperature Sensor Having No Electrical Connections and Sensing Method for Use Therewith,'' NASA Case No. LAR–17747–1–CON; U.S. Patent No. 9,329,153 B2 titled ''Method of Mapping Anomalies in Homogenous Material,'' NASA Case No. LAR–17848–1; U.S. Patent No. 8,636,407 B2 titled ''Wireless Temperature Sensor Having No Electrical Connections and Sensing Method for Use Therewith,'' NASA Case No. LAR–18016–1; U.S. Patent Application No. 14/520,785 titled ''Multi-Layer Wireless Sensor Construct for Use at Electrically Conductive Material Surface,'' NASA Case No. LAR–18399–1; and U.S. Patent Application No. 14/520,863 titled ''Antenna for Far Field Transceiving,'' NASA Case No. LAR–18400–1, to T.L. Watson & Associates Inc., having its principal place of business in Alberta, Canada. The fields of use may be limited to emissions detection and quantification, gas and liquid flow rate measurement, compositional analysis, and quantification for hydrocarbons and other substances, including but not limited to H_2S, CO_2 and SO_2, associated with the oil, gas and waste management industries at the well bore and/or below grade cavern, and associated above ground facilities for each; and/or similar fields of use thereto.

DATES: The prospective partially exclusive patent license may be granted unless, no later than October 10, 2017, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements regarding the licensing of federally owned inventions as set forth in the Bayh-Dohl Act and implementing regulations. Competing applications completed and received by NASA no later than October 10, 2017 will also be treated as objections to the grant of the contemplated partially exclusive license. Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act.

ADDRESSES: Objections relating to the prospective license may be submitted to Patent Counsel, Office of Chief Counsel, NASA Langley Research Center, MS 30, Hampton, Virginia 23681. Phone (757) 864–3221. Facsimile (757) 864–9190.

FOR FURTHER INFORMATION CONTACT: Robin W. Edwards, Patent Counsel, Office of Chief Counsel, NASA Langley Research Center, MS 30, Hampton, Virginia 23681. Phone (757) 864–3221. Facsimile (757) 864–9190.

SUPPLEMENTARY INFORMATION: This notice of intent to grant a partially exclusive patent license is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). The patent rights in these inventions have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Information about other NASA inventions available for licensing can be

found online at *http://technology.nasa.gov.*

Mark P. Dvorscak,

Agency Counsel for Intellectual Property.

[FR Doc. 2017–20289 Filed 9–21–17; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act; Notice of Agency Meeting

TIME AND DATE: 10:00 a.m., Thursday, September 28, 2017.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street (All visitors must use Diagonal Road Entrance), Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Corporate Stabilization Fund Quarterly Report.
2. NCUA's Rules and Regulations, Accuracy of Advertising and Notice of Insured Status.
3. NCUA's 2018–2022 Strategic Plan.
4. Closing the Corporate Stabilization Fund and Setting the Normal Operating Level.

FOR FURTHER INFORMATION CONTACT: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2017–20421 Filed 9–20–17; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act; Notice of Agency Meetings

TIME AND DATE: 4:00 p.m., Wednesday, September 27, 2017.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Supervisory Action. Closed pursuant to Exemptions (8), (9)(i)(B), and (9)(ii).
2. Supervisory Action. Closed pursuant to Exemptions (8), (9)(i)(B), and (9)(ii).

FOR FURTHER INFORMATION CONTACT: Gerard Poliquin, Secretary of the Board, Telephone: 703–518–6304

Gerard Poliquin,

Secretary of the Board.

[FR Doc. 2017–20418 Filed 9–20–17; 4:15 pm]

BILLING CODE 7535–01–P

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Proposal Review Panel for the Division of Physics (1208) (V180104)—NANOGrav Site Visit.

Date and Time: October 25, 2017; 8:30 a.m.–8:00 p.m., October 26, 2017; 8:30 a.m.–4:00 p.m.

Place: West Virginia University, 1500 University Avenue, Stewart Hall, Morgantown, West Virginia 26506.

Type of Meeting: Part-Open.

Contact Person: Jean Cottam-Allen, Program Director for Physics Frontier Centers, Division of Physics, National Science Foundation, 2415 Eisenhower Avenue., Room 9245, Alexandria, VA 22314; Telephone: (703) 292–8783.

Purpose of Meeting: Site visit to provide an evaluation of the progress of the projects at the host site for the Division of Physics at the National Science Foundation.

Agenda

October 25, 2017; 8:30 a.m.–7:00 p.m.

08:30–12:00 Panel Session: Presentations on Center Overview, Management and Science
12:00–1330 Lunch with Graduate Students and Postdocs
13:30–1600 Panel Session: Continued Science Presentations, Education and Outreach
16:00–1700 Executive Session—CLOSED SESSION
17:00–1900 Poster Session
19:00–2000 Executive Session—CLOSED SESSION

October 26, 2017; 8:30 a.m.–4:00 p.m.

08:30–11:00 Meeting with University Administrators; Discussion with Center Directors
11:00–15:00 Executive Session—CLOSED SESSION
15:00–1600 Closeout Session with Center Directors

Reason for Closing: Topics to be discussed and evaluated during closed sessions of the site review will include information of a proprietary or confidential nature, including technical information and information on personnel. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: September 18, 2017.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2017–20168 Filed 9–21–17; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0001]

Sunshine Act Meeting Notice

DATE: Weeks of September 25, October 2, 9, 16, 23, 30, 2017.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of September 25, 2017

There are no meetings scheduled for the week of September 25, 2017.

Week of October 2, 2017—Tentative

Friday, October 6, 2017

10:00 a.m. Meeting with Advisory Committee on Reactor Safeguards (Public) (Contact: Mark Banks: 301–415–3718)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of October 9, 2017—Tentative

There are no meetings scheduled for the week of October 9, 2017.

Week of October 16, 2017—Tentative

There are no meetings scheduled for the week of October 16, 2017.

Week of October 23, 2017—Tentative

Tuesday, October 24, 2017

10:00 a.m. Strategic Programmatic Overview of the Operating Reactors Business Line (Public) (Contact: Trent Wertz: 301–415–1568)

Week of October 30, 2017—Tentative

There are no meetings scheduled for the week of October 30, 2017.

* * * * *

The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you

need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or email *Brenda.Akstulewicz@nrc.gov* or *Patricia.Jimenez@nrc.gov.*

Dated: September 20, 2017.

Rochelle Bavol,

Executive Assistant, Office of the Secretary.

[FR Doc. 2017–20407 Filed 9–20–17; 4:15 pm]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0116]

Information Collection: Public Records

AGENCY: Nuclear Regulatory Commission.

ACTION: Renewal of existing information collection; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, ''Public Records.'' NRC updated two forms integral to the agency's Freedom of Information Act (FOIA) process, NRC Form 509, ''Statement of Estimated Fees for Freedom of Information Act (FOIA) Request'' and NRC Form 507, ''Freedom of Information—Privacy Act Record Request Form.''

DATES: Submit comments by November 21, 2017. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0116. Address questions about NRC dockets to Carol Gallagher; telephone: 301–415–3463; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T–2F43, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2017–0116 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0116.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* NRC Form 509 and NRC Form 507 are available in ADAMS under Accession Nos. ML17172A497 and ML17178A261, respectively. The supporting statement can be found in ADAMS under Accession No. ML17172A698.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.
- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: *Infocollects.Resource@nrc.gov.*

B. Submitting Comments

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at *http://www.regulations.gov* and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* 10 CFR part 9, ''Public Records.''
2. *OMB approval number:* 3150–0043.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* NRC Form 509; NRC Form 507.
5. *How often the collection is required or requested:* On occasion.
6. *Who will be required or asked to respond:* FOIA requesters who have requests that require pre-payment or agree to pay for the processing of their FOIA requests.
7. *The estimated number of annual responses:* 2,490.
8. *The estimated number of annual respondents:* 2,490.
9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 1,111.
10. *Abstract:* The proposed information collection activity provides communication with FOIA requesters to have the opportunity to be notified about any fees to process their FOIA requests. Providing NRC Form 509 to a requester serves as notification of the processing fees as it relates to search,

review, and duplication. Pursuant to NRC's regulations, 10 CFR part 9.40, when fees exceed $25.00 the requester has the opportunity to re-scope their request. Additionally, in response to the FOIA Improvement Act of 2016, in accordance with 10 CFR part 9.39, the revised form notifies the requester that if the agency fails to comply with statutory time limits, the agency cannot charge the requester any fees (except in unusual circumstances). In the event that fees are required, the requester can verify their willingness to pay on this form, and must submit payment within ten working days of the receipt of the form. In addition, the NRC created Form 507 which allows the public to electronically submit FOIA requests from the FOIA Web site. Unlike the previous online FOIA request submission form, requesters can provide identification verification at the time the request is made, which shortens the processing time.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?
2. Is the estimate of the burden of the information collection accurate?
3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?
4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

Dated at Rockville, Maryland, this 14th day of September, 2017.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2017–20212 Filed 9–21–17; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Comment Request for Review of a Revised Information Collection: Organizational Assessment Surveys

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day Notice and Request for Comments.

SUMMARY: The Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for review of a currently approved collection, Organizational Assessment Surveys. OPM is requesting approval of Organizational Assessment Surveys, Federal Employee Viewpoint Surveys, Exit Surveys, New Leaders Onboarding Assessments, New Employee Surveys, Training Needs Assessment Surveys, and custom Program Evaluation surveys as a part of this collection. Approval of the Organizational Assessment Surveys is necessary to collect information on Federal agency and program performance, climate, engagement, and leadership effectiveness.

DATES: Comments are encouraged and will be accepted until November 21, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Human Resources Strategy and Evaluation Solutions, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415, Attention: Coty Hoover, or via email to *Organizational_Assessment@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Human Resources Strategy and Evaluation Solutions, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Coty Hoover, or via email to *Organizational_Assessment@opm.gov.*

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The previous collection (OMB No. 3206–0252, published in the **Federal Register** on December 26, 2013 at 78 FR 248) has an emergency clearance (published in the **Federal Register** on May 5, 2017 at 82 FR 21273) that expires January 31, 2018. Comments are particularly invited on:

1. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Whether our estimate of the public burden of this collection is accurate, and based on valid assumptions and methodology; and
3. Ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of the appropriate technological collection techniques or other forms of information technology.

OPM's Human Resources Strategy and Evaluation Solutions performs assessment and related consultation activities for Federal agencies on a reimbursable basis. The assessments are authorized by various statutes and regulations: Section 4702 of Title 5, U.S.C.; E.O. 12862; E.O. 13715; Section 1128 of the National Defense Authorization Act for Fiscal Year 2004, Public Law 108–136; 5 U.S.C. 1101 note, 1103(a)(5), 1104, 1302, 3301, 3302, 4702, 7701 note; E.O. 13197, 66 FR 7853, 3 CFR 748 (2002); E.O. 10577, 12 FR 1259, 3 CFR, 1954–1958 Comp., p. 218; and Section 4703 of Title 5, United States Code.

This collection request includes surveys we currently use and plan to use during the next three years to measure agency performance, climate, engagement, and leadership effectiveness. OMB No. 3206–0252 covers a broad range of surveys all focused on improving organizational performance. Non-Federal respondents will almost never receive more than one of these surveys. All of these surveys consist of Likert-type, mark-one, and mark-all-that-apply items, and may include a small number of open-ended comment items. Administration of Organizational Assessment Surveys (OAS) typically consists of a customized set of 50–150 standard items pulled from an item bank of nearly 500 items. The surveys almost always include a small set of 5–10 custom items developed to meet the agency's specific needs. The OAS is a general survey that subsumes the Federal Employee Viewpoint Survey (FEVS). OPM's Human Resources Strategy and Evaluation Solutions administers the FEVS for agencies to gather feedback from employee groups not covered by the official FEVS administration. Exit Surveys consist of approximately 60 items that assess reasons why employees decided to leave their organization. Customization is possible. The New Leaders Onboarding Assessment (NLOA) is a combined assessment consisting of approximately 130 items, including items measuring organizational climate, employee engagement, and leadership. New Employee Surveys consist of approximately 100 items that assess satisfaction with the hiring, orientation, and socialization of new employees. Training Needs Assessment Surveys consist of approximately 100 items that assess an agency's climate for training and employees' training preferences. Program Evaluation surveys evaluate the effectiveness of government initiatives, programs, and offices. Program

Evaluation surveys are always customized to assess specific program elements. Program Evaluation surveys may contain from 20 to 200 items, with an average of approximately 100 items. The surveys included under OMB No. 3206–0252 are almost always administered electronically.

Analysis

Agency: Human Resources Strategy and Evaluation Solutions, Office of Personnel Management.

Title: Organizational Assessment Surveys.

OMB: 3206–0252.

Frequency: On occasion.

Affected Public: Government contractors and individuals.

Number of Respondents: Approximately 69,030.

Estimated Time per Respondent: 10.62 minutes.

Total Burden Hours: 12,218 hours.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–20258 Filed 9–21–17; 8:45 am]

BILLING CODE 6325–43–P

OFFICE OF PERSONNEL MANAGEMENT

Comment Request for Review of a Revised Information Collection: Leadership Assessment Surveys

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for review of a currently approved collection, Leadership Assessment Surveys. OPM is requesting approval of the OPM Leadership 360™, Leadership Potential Assessment, and the Leadership Profiler as a part of this collection. Approval of these surveys is necessary to collect information on Federal agency performance and leadership effectiveness.

DATES: Comments are encouraged and will be accepted until November 21, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Human Resources Strategy and Evaluation Solutions, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Coty Hoover, or via email to *Organizational_Assessment@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Human Resources Strategy and Evaluation Solutions, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Coty Hoover, or via email to *Organizational_Assessment@opm.gov.*

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The previous collection (OMB No. 3206–0253, published in the **Federal Register** on December 26, 2013 at 78 FR 248) has an emergency clearance (published in the **Federal Register** on May 5, 2017 at 82 FR 21273) that expires January 31, 2018. Comments are particularly invited on:

1. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Whether our estimate of the public burden of this collection is accurate, and based on valid assumptions and methodology; and

3. Ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of the appropriate technological collection techniques or other forms of information technology.

OPM's Human Resources Strategy and Evaluation Solutions perform assessments and related consultation activities for Federal agencies on a reimbursable basis. The assessments are authorized by various statutes and regulations: Section 4702 of Title 5, U.S.C; E.O. 12862; E.O. 13715; Section 1128 of the National Defense Authorization Act for Fiscal Year 2004, Public Law 108–136; 5 U.S.C. 1101 note, 1103(a)(5), 1104, 1302, 3301, 3302, 4702, 7701 note; E.O. 13197, 66 FR 7853, 3 CFR 748 (2002); E.O. 10577, 12 FR 1259, 3 CFR, 1954–1958 Comp., p. 218; and Section 4703 of Title 5, United States Code.

This collection request includes surveys we currently use and plan to use during the next three years to measure Federal leaders' effectiveness. These surveys all measure leadership characteristics. Non-Federal respondents will almost never receive more than one of these surveys. All of these surveys consist of Likert-type, mark-one, and mark-all-that-apply items, and may include a small number of open-ended comment items. OPM's Leadership 360™ assessment measures the 28 competencies that comprise the five Executive Core Qualifications and Fundamental Competencies in the OPM leadership model. The assessment consists of 116 items. The assessment is almost never customized, although customization to meet an agency's needs is possible. OPM's Leadership Potential Assessment consists of 104 items focused on identifying individuals ready to move into supervisory positions. OPM's Leadership Profiler consists of 245 items that measure leadership personality characteristics within a ''Big 5'' framework. These assessments are almost always administered electronically.

Analysis

Agency: Human Resources Strategy and Evaluation Solutions, Office of Personnel Management.

Title: Leadership Assessment Surveys.

OMB Number: 3206–0253.

Frequency: On occasion.

Affected Public: Individuals and government contractors.

Number of Respondents: approximately 24,030.

Estimated Time per Respondent: 15 minutes for the OPM Leadership 360™ and Leadership Potential Assessment; 45 minutes for the Leadership Profiler. The latter will almost never be administered to non-Federal employees, so the average time is approximately 15 minutes.

Total Burden Hours: 6,007 hours.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–20264 Filed 9–21–17; 8:45 am]

BILLING CODE 6325–43–P

OFFICE OF PERSONNEL MANAGEMENT

Comment Request for Review of a Revised Information Collection: Customer Satisfaction Surveys

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for review of a currently approved collection, Customer Satisfaction Surveys. Approval of these surveys is necessary to collect information on Federal agency and program performance.

DATES: Comments are encouraged and will be accepted until November 21, 2017.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to Human Resources Strategy and Evaluation Solutions, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Coty Hoover, or via email to *Organizational_Assessment@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR, with applicable supporting documentation, may be obtained by contacting Human Resources Strategy and Evaluation Solutions, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415, Attention: Coty Hoover, or via email to *Organizational_Assessment@opm.gov.*

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995, (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The previous collection (OMB No. 3206–0236, published in the **Federal Register** on December 26, 2013 at 78 FR 248) has an emergency clearance (published in the **Federal Register** on May 5, 2017 at 82 FR 21273) that expires January 31, 2018. Comments are particularly invited on:

1. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Whether our estimate of the public burden of this collection is accurate, and based on valid assumptions and methodology; and
3. Ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of the appropriate technological collection techniques or other forms of information technology.

OPM's Human Resources Strategy and Evaluation Solutions performs assessment and related consultation activities for Federal agencies on a reimbursable basis. The assessment is authorized by various statutes and regulations: Section 4702 of Title 5, U.S.C.; E.O. 12862; E.O. 13715; Section 1128 of the National Defense Authorization Act for Fiscal Year 2004, Public Law 108–136; 5 U.S.C. 1101 note, 1103(a)(5), 1104, 1302, 3301, 3302, 4702, 7701 note; E.O. 13197, 66 FR 7853, 3 CFR 748 (2002); E.O. 10577, 12 FR 1259, 3 CFR, 1954–1958 Comp., p. 218; and Section 4703 of Title 5, United States Code.

This collection request includes surveys we currently use and plan to use during the next three years to measure agency performance in providing services to meet customer needs. These surveys consist of Likert-type, mark-one, and mark-all-that-apply items, and may include a small number of open-ended comment items. Administration of OPM's Customer Satisfaction Surveys (OMB No. 3206–0236) typically consists of approximately 15–20 standard items drawn from an item bank of approximately 50 items; client agencies usually add a small number of custom items to assess satisfaction with specific products and services. The survey is almost always administered electronically.

Analysis

Agency: Human Resources Strategy and Evaluation Solutions, Office of Personnel Management.

Title: Customer Satisfaction Surveys.

OMB Number: 3206–0236.

Frequency: On occasion.

Affected Public: Individuals and businesses.

Number of Respondents: Approximately 180,000.

Estimated Time per Respondent: 7 minutes.

Total Burden Hours: 21,000 hours.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2017–20260 Filed 9–21–17; 8:45 am]

BILLING CODE 6325–43–P

POSTAL SERVICE

Temporary Emergency Committee of the Board of Governors; Sunshine Act Meeting

DATES AND TIMES: Monday, September 25, 2017, at 1:00 p.m.

PLACE: Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Monday, September 25, 2017, at 1:00 p.m.

1. Strategic Issues.
2. Pricing.
3. Executive Session—Discussion of prior agenda items and Temporary Emergency Committee governance.

GENERAL COUNSEL CERTIFICATION: The General Counsel of the United States Postal Service has certified that the meeting may be closed under the Government in the Sunshine Act.

CONTACT PERSON FOR MORE INFORMATION: Julie S. Moore, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260–1000. Telephone: (202) 268–4800.

Julie S. Moore.

Secretary.

[FR Doc. 2017–20394 Filed 9–20–17; 4:15 pm]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81644; File No. SR–ICC–2017–008]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change Relating to the Clearance of Additional Credit Default Swap Contracts

September 18, 2017.

I. Introduction

On June 13, 2017, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to revise the ICC Rulebook (the ''Rules'') in order to provide for the clearance of additional Standard Emerging Market Sovereign CDS contracts (together, ''EM Contracts''). The proposed rule change was published for comment in the **Federal Register** on July 3, 2017.[3] The Commission did not receive comments on the proposed rule change. On August 17, 2017, the Commission designated a longer period for Commission action on the proposed rule change.[4] For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

The purpose of this rule change is to provide the basis for ICC to clear additional credit default swap contracts. Specifically, ICC has proposed amending Subchapter 26D of its Rules to provide for the clearance of additional EM Contracts by including the Kingdom of Saudi Arabia and the Republic of Kazakhstan in the list of specific Eligible SES Reference Entities in Rule 26D–102. ICC represents that these additional EM Contracts have

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–81029 (June 27, 2017), 82 FR 30931 (July 3, 2017) (SR–ICC–2017–008) (''Notice'').

[4] Securities Exchange Act Release No. 34–81413 (August 17, 2017), 82 FR 40026 (August 23, 2017) (SR–ICC–2017–008).

terms consistent with the other EM Contracts approved for clearing at ICC and governed by Subchapter 26D of the Rules.[5] ICC has also represented that clearing of the additional EM Contracts will not require any changes to ICC's Risk Management Framework or other policies and procedures constituting rules within the meaning of the Act.[6]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such self-regulatory organization.[7] Section 17A(b)(3)(F) of the Act [8] requires that, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest.

The Commission finds that the rule change is consistent with the requirements of Section 17A of the Act [9] and the rules and regulations thereunder applicable to ICC. The Commission has reviewed the terms and conditions of these contracts and has determined that they are substantially similar to the other contracts listed in Subchapter 26D of the ICC Rules, all of which ICC currently clears, the key difference being that the underlying reference obligations will be issuances by the Kingdom of Saudi Arabia and the Republic of Kazakhstan, the new Eligible SES Reference Entities. Moreover, the Commission has reviewed the Notice and ICC's Rules, policies and procedures, which provide that the additional EM Contracts will be cleared pursuant to ICC's existing clearing arrangements and related financial safeguards, protections and risk management procedures.[10] In addition, the Commission has evaluated information submitted by ICC, including data on volume, open interest, and the number of ICC clearing participants ("CPs") that currently trade in the additional EM Contracts as well as certain model parameters for the additional EM Contracts. Based on this review, the Commission finds that ICC's rules, policies, and procedures are reasonably designed to price and measure the potential risk presented by these products; collect financial resources in proportion to such risk; and liquidate these products in the event of a CP default. Thus, the Commission finds that acceptance of the additional EM Contracts, on the terms and conditions set out in ICC's Rules, is consistent with the prompt and accurate clearance of and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[11]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act [12] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[13] that the proposed rule change (File No. SR–ICC–2017–008) be, and hereby is, approved.[14]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20203 Filed 9–21–17; 8:45 am]

BILLING CODE 8011–01–P

[5] Notice, 82 FR at 30931.

[6] *Id.* at 30931–32.

[7] 15 U.S.C. 78s(b)(2)(C).

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 15 U.S.C. 78q–1.

[10] Notice, 82 FR at 30932.

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] 15 U.S.C. 78q–1.

[13] 15 U.S.C. 78s(b)(2).

[14] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32821; File No. 812–14741]

AQR Funds, et al.

September 18, 2017.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice.

Notice of an application for an order pursuant to: (a) Section 6(c) of the Investment Company Act of 1940 ("Act") granting an exemption from sections 18(f) and 21(b) of the Act; (b) section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; (c) sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1), 17(a)(2) and 17(a)(3) of the Act; and (d) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements and transactions. Applicants request an order that would permit certain registered open-end management investment companies to participate in a joint lending and borrowing facility.

Applicants: AQR Funds (the "Trust"), registered under the Act as an open-end management investment company, and AQR Capital Management, LLC ("AQR"), registered as an investment adviser under the Investment Advisers Act of 1940.

Filing Dates: The application was filed on February 2, 2017 and amended on July 6, 2017.

Hearing or Notification of Hearing: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 13, 2017 and should be accompanied by proof of service on the applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to Rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090; Applicants: AQR Capital Management, LLC, Two Greenwich Plaza, 4th Floor, Greenwich, CT 06830.

FOR FURTHER INFORMATION CONTACT: James Maclean, Senior Counsel, at (202) 551–7794, or Robert Shapiro, Branch Chief, at (202) 551–7758 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://*

www.sec.gov/search/search.htm or by calling (202) 551–8090.

Summary of the Application

1. Applicants request an order that would permit the applicants to participate in an interfund lending facility where each Fund could lend money directly to and borrow money directly from other Funds to cover unanticipated cash shortfalls, such as unanticipated redemptions or trade fails.[1] The Funds will not borrow under the facility for leverage purposes and the loans' duration will be no more than 7 days.[2]

2. Applicants anticipate that the proposed facility would provide a borrowing Fund with a source of liquidity at a rate lower than the bank borrowing rate at times when the cash position of the Fund is insufficient to meet temporary cash requirements. In addition, Funds making short-term cash loans directly to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash in U.S. Treasury bills or certain other short-term money market instruments. Thus, applicants assert that the facility would benefit both borrowing and lending Funds.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Among others, an Adviser, through a designated committee, would administer the facility as a disinterested fiduciary as part of its duties under the investment management agreements with the Funds and would receive no additional fee as compensation for its services in connection with the administration of the facility. The facility would be subject to oversight and certain approvals by the Funds' Board, including, among others, approval of the interest rate formula and of the method for allocating loans across Funds, as well as review of the process in place to evaluate the liquidity implications for the Funds. A Fund's aggregate outstanding interfund loans will not exceed 15% of its net assets, and the Fund's loans to any one Fund will not exceed 5% of the lending Fund's net assets.[3]

4. Applicants assert that the facility does not raise the concerns underlying section 12(d)(1) of the Act given that the Funds are part of the same group of investment companies and there will be no duplicative costs or fees to the Funds.[4] Applicants also assert that the proposed transactions do not raise the concerns underlying sections 17(a)(1), 17(a)(3), 17(d) and 21(b) of the Act as the Funds would not engage in lending transactions that unfairly benefit insiders or are detrimental to the Funds. Applicants state that the facility will offer both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and each Fund would have an equal opportunity to borrow and lend on equal terms based on an interest rate formula that is objective and verifiable. With respect to the relief from section 17(a)(2) of the Act, applicants note that any collateral pledged to secure an interfund loan would be subject to the same conditions imposed by any other lender to a Fund that imposes conditions on the quality of or access to collateral for a borrowing (if the lender is another Fund) or the same or better conditions (in any other circumstance).[5]

5. Applicants also believe that the limited relief from section 18(f)(1) of the Act that is necessary to implement the facility (because the lending Funds are not banks) is appropriate in light of the conditions and safeguards described in the application and because the Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of a Fund, including combined interfund loans and bank borrowings, have at least 300% asset coverage.

6. Section 6(c) of the Act permits the Commission to exempt any persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of section 12(d)(1) if the exemption is consistent with the public interest and the protection of investors. Section 17(b) of the Act authorizes the Commission to grant an order permitting a transaction otherwise prohibited by section 17(a) if it finds that (a) the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; (b) the proposed transaction is consistent with the policies of each registered investment company involved; and (c) the proposed transaction is consistent with the general purposes of the Act. Rule 17d–1(b) under the Act provides that in passing upon an application filed under the rule, the Commission will consider whether the participation of the registered investment company in a joint enterprise, joint arrangement or profit sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of the other participants.

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20177 Filed 9–21–17; 8:45 am]

BILLING CODE 8011–01–P

[1] Applicants request that the order apply to the applicants and to any existing or future series of the Trust and any existing or future registered open-end management investment company or series thereof (each a ''Fund'') for which AQR, or an entity controlling, controlled by, or under common control with AQR or any successor thereto serves as investment adviser (with AQR, each an ''Adviser''). For purposes of the requested order, ''successor'' is limited to any entity that results from a reorganization into another jurisdiction or a change in the type of a business organization. Although the applicants do not currently operate any money market funds, applicants request that the order also apply to any future Fund that is a money market fund that complies with rule 2a–7 of the Act (each a ''Money Market Fund''). Money Market Funds will not participate as borrowers under the interfund lending facility because such funds rarely need to borrow cash to meet redemptions.

[2] Any Fund, however, will be able to call a loan on one business day's notice.

[3] Under certain circumstances, a borrowing Fund will be required to pledge collateral to secure the loan.

[4] Applicants state that the obligation to repay an interfund loan could be deemed to constitute a security for the purposes of sections 17(a)(1) and 12(d)(1) of the Act.

[5] Applicants state that any pledge of securities to secure an interfund loan could constitute a purchase of securities for purposes of section 17(a)(2) of the Act.

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–558, OMB Control No. 3235–0617]

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, Washington, DC 20549–2736

Extension:
Rule 433

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Rule 433 (17 CFR 230.433) governs the use and filing of free writing prospectuses under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The purpose of Rule 433 is to reduce the restrictions on communications that an issuer can make to investors during a registered offering of its securities, while maintaining important investor protections. A free writing prospectus meeting the conditions of Rule 433(d)(1) must be filed with the Commission and is publicly available. We estimate that it takes approximately 1.28 burden hours per response to prepare a free writing prospectus and that the information is filed by 2,906 respondents approximately 5.4026 times per year for a total of 15,700 responses. We estimate that 25% of the 1.28 burden hours per response (0.32 hours) is prepared by the issuer for total annual reporting burden of approximately 5,024 hours (0.32 hours × 15,700 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov* . Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: September 19, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20221 Filed 9–21–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Rule 203–2 and Form ADV–W; SEC File No. 270–40, OMB Control No. 3235–0313

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

The title for the collection of information is ''Rule 203–2 (17 CFR 275.203–2) and Form ADV–W (17 CFR 279.2) under the Investment Advisers Act of 1940 (15 U.S.C. 80b).'' Rule 203–2 under the Investment Advisers Act of 1940 establishes procedures for an investment adviser to withdraw its registration or pending registration with the Commission. Rule 203–2 requires every person withdrawing from investment adviser registration with the Commission to file Form ADV–W electronically on the Investment Adviser Registration Depository (''IARD''). The purpose of the information collection is to notify the Commission and the public when an investment adviser withdraws its pending or approved SEC registration. Typically, an investment adviser files a Form ADV–W when it ceases doing business or when it is ineligible to remain registered with the Commission.

The potential respondents to this information collection are all investment advisers registered with the Commission or have applications pending with the Commission. The Commission has estimated that compliance with the requirement to complete Form ADV–W imposes a total burden of approximately 0.75 hours (45 minutes) for an adviser filing for full withdrawal and approximately 0.25 hours (15 minutes) for an adviser filing for partial withdrawal. Based on historical filings, the Commission estimates that there are approximately 741 respondents annually filing for full withdrawal and approximately 130 respondents annually filing for partial withdrawal. Based on these estimates, the total estimated annual burden would be 588 hours ((741 respondents × .75 hours) + (130 respondents × .25 hours)).

Rule 203–2 and Form ADV–W do not require recordkeeping or records retention. The collection of information requirements under the rule and form are mandatory. The information collected pursuant to the rule and Form ADV–W are filings with the Commission. These filings are not kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: September 19, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20218 Filed 9–21–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–457, OMB Control No. 3235–0518]

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:
Form CB

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form CB (17 CFR 239.800) is a document filed in connection with a tender offer for a foreign private issuer. This form is used to report an issuer tender offer conducted in compliance with Exchange Act Rule 13e–4(h)(8) (17 CFR 240.13e–4(h)(8)), a third-party tender offer conducted in compliance with Exchange Act Rule 14d–1(c) (17 CFR 240.14d–1(c)) and a going private transaction conducted in accordance with Rule 13e–3(g)(6) (17 CFR 240.13e–3(g)(6)). Form CB is also used by a subject company pursuant to Exchange Act Rule 14e–2(d) (17 CFR 240.14e–

2(d)). This information is made available to the public. Information provided on Form CB is mandatory. Form CB takes approximately 0.5 hours per response to prepare and is filed by approximately 111 respondents annually. We estimate that 25% of the 0.5 hours per response (0.125 hours) is prepared by the respondent for an annual reporting burden of 14 hours (0.125 hours per response × 111 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov* . Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: September 15, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20219 Filed 9–21–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81646; File No. SR–ICC–2017–009]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change Relating to the Clearance of Additional Credit Default Swap Contracts

September 18, 2017.

I. Introduction

On June 13, 2017, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to revise the ICC Rulebook (the ''Rules'') in order to provide for the clearance of Standard Asia Corporate Single Name CDS contracts (collectively, ''STASC Contracts''), Standard Asia Financial Corporate Single Name CDS contracts (collectively, ''STASFC Contracts''), and Standard Emerging Market Corporate Single Name CDS contracts (collectively, ''STEMC Contracts''). The proposed rule change was published for comment in the **Federal Register** on July 3, 2017.[3] The Commission did not receive comments on the proposed rule change. On August 17, 2017, the Commission designated a longer period for Commission action on the proposed rule change.[4] For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

The purpose of this proposed rule change is to provide the basis for ICC to clear additional credit default swap contracts. Specifically, ICC has proposed amending Chapter 26 of the ICC Rules to add Subchapters 26O (providing for the clearance of STASC Contracts), 26P (providing for the clearance of STASFC Contracts), and 26Q (providing for the clearance of STEMC Contracts). ICC has represented that proposed Subchapters 26O and 26Q have terms similar to those Subchapters governing clearance of other corporate single name CDS contracts,[5] and that proposed Subchapter 26P has terms similar to those Subchapters governing clearance of other financial corporate single name CDS contracts.[6] Therefore, ICC states that the rules found in the new Subchapters 26O, 26P, and 26Q ''largely mirror'' the ICC Rules for currently cleared contracts, ''with certain modifications that reflect differences in terms and market conventions.'' [7] Each contract will be denominated in United States Dollars.[8] ICC has also represented that clearing of the additional STASC, STASFC, and STEMC Contracts will not require any changes to ICC's Risk Management Framework or other policies and procedures constituting rules within the meaning of the Act.[9]

III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such self-regulatory organization.[10] Section 17A(b)(3)(F) of the Act [11] requires that, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible and, in general, to protect investors and the public interest.

The Commission finds that the rule change is consistent with the requirements of Section 17A of the Act [12] and the rules and regulations thereunder applicable to ICC. The Commission has reviewed the terms and conditions of these contracts and has determined that they are substantially similar to those that ICC currently clears, the key difference being the underlying reference obligations. Moreover, the Commission has reviewed the Notice and ICC's Rules, policies and procedures, which provide that the STASC, STASFC and STEMC Contracts will be cleared pursuant to ICC's existing clearing arrangements and related financial safeguards, protections and risk management procedures.[13] In addition, the Commission has evaluated information submitted by ICC, including data on volume, open interest, and the number of ICC clearing participants (''CPs'') that currently trade in the STASC, STASFC and STEMC Contracts as well as certain model parameters for the additional STASC, STASFC and STEMC Contracts. Based on this review, the Commission finds that ICC's rules, policies, and procedures are reasonably designed to price and measure the potential risk presented by these products; collect financial resources in proportion to such risk; and liquidate these products in the event of a CP default. Thus, the Commission finds that acceptance of the additional STASC, STASFC and STEMC Contracts, on the terms and conditions set out in ICC's Rules, is consistent with the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 34–81030 (June 27, 2017), 82 FR 30933 (July 3, 2017) (SR–ICC–2017–009) (''Notice'').

[4] Securities Exchange Act Release No. 34–81414 (August 17, 2017), 82 FR 40050 (August 23, 2017) (SR–ICC–2017–009).

[5] Notice, 82 FR at 30934.

[6] *Id.*

[7] *Id.*

[8] *Id.*

[9] *Id.*

[10] 15 U.S.C. 78s(b)(2)(C).

[11] 15 U.S.C. 78q–1(b)(3)(F).

[12] 15 U.S.C. 78q–1.

[13] Notice, 82 FR at 30934.

prompt and accurate clearance of and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[14]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposal is consistent with the requirements of the Act and in particular with the requirements of Section 17A of the Act[15] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[16] that the proposed rule change (File No. SR–ICC–2017–009) be, and hereby is, approved.[17]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20204 Filed 9–21–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 32802A; 812–14777–01]

Eagle Series Trust, et al.

September 18, 2017.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Corrected notice to amend file number (see *Eagle Series Trust, et al.* IC–32802) (Aug. 31, 2017).

Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements in rule 20a–1 under the Act, Item 19(a)(3) of Form N–1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934, and Sections 6–07(2)(a), (b), and (c) of Regulation S–X (''Disclosure Requirements''). The requested exemption would permit an investment adviser to hire and replace certain subadvisers without shareholder approval and grant relief from the Disclosure Requirements as they relate to fees paid to the subadvisers. The requested order would supersede a prior order.[1]

Applicants:

Eagle Capital Appreciation Fund, Eagle Growth & Income Fund and Eagle Series Trust (each, a ''Trust'' and collectively, the ''Trusts''), each a Massachusetts business trust registered under the Act as an open-end management investment company with multiple series (each a ''Fund''), and Carillon Tower Advisers, Inc. (the ''Initial Adviser''), a Florida corporation registered as an investment adviser under the Investment Advisers Act of 1940 (collectively with the Trusts, the ''Applicants'').

Filing Dates:

The application was filed May 17, 2017, and amended on August 22, 2017.

Hearing or Notification of Hearing:

An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on October 13, 2017, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: Susan L. Walzer, Carillon Tower Advisers, Inc., 880 Carillon Parkway, St. Petersburg, FL 33716 and Kathy Kresch Ingber, K&L Gates LLP, 1601 K Street NW., Washington, DC 20006–1600.

FOR FURTHER INFORMATION CONTACT: Laura L. Solomon, Senior Counsel, at (202) 551–6915, or David Marcinkus, Branch Chief, at (202) 551–6821 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an Applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Summary of the Application

1. The Adviser serves as the investment adviser to each Fund pursuant to an investment advisory agreement with the Fund (the ''Investment Advisory Agreement'').[2] The Adviser provides the Funds with continuous and comprehensive investment management services subject to the supervision of, and policies established by, each Trust's board of Trustees (''Board''). The Investment Advisory Agreement permits the Adviser, subject to the approval of the Board, to delegate to one or more subadvisers (each, a ''Subadviser'' and collectively, the ''Subadvisers'') the responsibility to provide the day-to-day portfolio investment management of each Fund, subject to the supervision and direction of the Adviser.[3] The primary responsibility for managing the Subadvised Funds will remain vested in the Adviser. The Adviser will hire, evaluate, allocate assets to and oversee the Subadvisers, including determining whether a Subadviser should be terminated, at all times subject to the authority of the Board.

2. Applicants request an exemption to permit the Adviser, subject to Board approval, to hire certain Subadvisers pursuant to subadvisory agreements

[14] 15 U.S.C. 78q-1(b)(3)(F).

[15] 15 U.S.C. 78q-1.

[16] 15 U.S.C. 78s(b)(2).

[17] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

[1] *Eagle Capital Appreciation Fund, et al.,* Investment Company Act Rel. Nos. 31239 (Sep. 3, 2014) (notice) and 31269 (Sep. 29, 2014) (order).

[2] Applicants request relief with respect to the named Applicants, as well as to any future Fund and any other existing or future registered open-end management investment company or series thereof that intends to rely on the requested order in the future and that: (i) Is advised by the Adviser; (ii) uses the multi- manager structure described in the application; and (iii) complies with the terms and conditions of the application (each, together with any Fund that currently uses the multi-manager structure described in the application, a ''Subadvised Fund''). The term ''Adviser'' means (i) the Initial Adviser, (ii) its successors, and (iii) any entity controlling, controlled by, or under common control with, the Initial Adviser or its successors. For purposes of the requested order, ''successor'' is limited to an entity resulting from a reorganization into another jurisdiction or a change in the type of business organization.

[3] A ''Subadviser'' for a Fund is (1) an indirect or direct ''wholly owned subsidiary'' (as such term is defined in the Act) of the Adviser, or (2) a sister company of the Adviser that is an indirect or direct ''wholly-owned subsidiary'' (as such term is defined in the Act) of the same company that, indirectly or directly, wholly owns the Adviser (each of (1) and (2) a ''Wholly-Owned Subadviser'' and collectively, the ''Wholly-Owned Subadvisers''), or (3) not an ''affiliated person'' (as such term is defined in Section 2(a)(3) of the Act) of a Fund or the Adviser, except to the extent that an affiliation arises solely because the Subadviser serves as a subadviser to one or more Funds (each a ''Non-Affiliated Subadviser'' and collectively, the ''Non-Affiliated Subadvisers'').

(each, a ''Subadvisory Agreement'' and collectively, the ''Subadvisory Agreements'') and materially amend Subadvisory Agreements without obtaining the shareholder approval required under section 15(a) of the Act and rule 18f–2 under the Act.[4] Applicants also seek an exemption from the Disclosure Requirements to permit a Subadvised Fund to disclose (as both a dollar amount and a percentage of the Subadvised Fund's net assets): (a) The aggregate fees paid to the Adviser and any Wholly-Owned Subadvisers; (b) the aggregate fees paid to Non-Affiliated Subadvisers, and (c) the fee paid to each Affiliated Subadviser.

3. Applicants agree that any order granting the requested relief will be subject to the terms and conditions stated in the application. Such terms and conditions provide for, among other safeguards, appropriate disclosure to Subadvised Fund's shareholders and notification about subadvisory changes and enhanced Board oversight to protect the interests of the Subadvised Fund's shareholders.

4. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or any rule thereunder, if such relief is necessary or appropriate in the public interest and consistent with the protection of investors and purposes fairly intended by the policy and provisions of the Act. Applicants believe that the requested relief meets this standard because, as further explained in the application, the Investment Advisory Agreements will remain subject to shareholder approval, while the role of the Subadvisers is substantially equivalent to that of individual portfolio managers, so that requiring shareholder approval of Subadvisory Agreements would impose unnecessary delays and expenses on the Subadvised Fund. Applicants believe that the requested relief from the Disclosure Requirements meets this standard because it will improve the Adviser's ability to negotiate fees paid to the Subadvisers that are more advantageous for the Subadvised Fund.

[4] The requested relief will not extend to any subadviser, other than a Wholly-Owned Subadviser, who is an affiliated person, as defined in section 2(a)(3) of the Act, of the Subadvised Fund or of the Adviser, other than by reason of serving as a subadviser to one or more of the Subadvised Funds (''Affiliated Subadviser'').

For the Commission, by the Division of Investment Management, under delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20176 Filed 9–21–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Rule 203–3, Form ADV–H, SEC File No. 270–481, OMB Control No. 3235–0538

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for extension of the previously approved collection of information discussed below.

The title for the collection of information is ''Form ADV–H under the Investment Advisers Act of 1940.'' Rule 203–3 (17 CFR 275.203–3) under the Investment Advisers Act of 1940 (15 U.S.C. 80b) requires that registered advisers requesting either a temporary or continuing hardship exemption submit the request on Form ADV–H. Rule 204–4 (17 CFR 275.204–4) under the Investment Advisers Act of 1940 requires that exempt reporting advisers requesting a temporary hardship exemption submit the request on Form ADV–H. The purpose of this collection of information is to permit advisers to obtain a hardship exemption to not complete an electronic filing. The temporary hardship exemption that is available to registered advisers under rule 203–3 and exempt reporting advisers under rule 204–4 permits these advisers to make late filings due to unforeseen computer or software problems. The continuing hardship exemption available to registered advisers under rule 203–3 permits advisers to submit all required electronic filings on hard copy for data entry by the operator of the IARD.

The Commission has estimated that compliance with the requirement to complete Form ADV–H imposes a total burden of approximately one hour for an adviser. Based on our experience, we estimate that we will receive two Form ADV–H filings annually from registered investment advisers and one Form ADV–H filing annually from exempt reporting advisers. Based on the 60 minute per respondent estimate, the Commission estimates a total annual burden of 3 hours for this collection of information.

Rule 203–3, rule 204–4, and Form ADV–H do not require recordkeeping or records retention. The collection of information requirements under the rule and form are mandatory. The information collected pursuant to the rule and Form ADV–H consists of filings with the Commission. These filings are not kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: September 19, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20217 Filed 9–21–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:

Rule 17Ab2–1, Form CA–1, SEC File No. 270–203, OMB Control No. 3235–0195

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved

collection of information provided for in Rule 17Ab2–1 (17 CFR 240.17Ab2–1) and Form CA–1: Registration of Clearing Agencies (17 CFR 249b.200) under the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*).

Rule 17Ab2–1 and Form CA–1 require clearing agencies to register with the Commission and to meet certain requirements with regard to, among other things, the clearing agency's organization, capacities, and rules. The information is collected from the clearing agency upon the initial application for registration on Form CA–1. Thereafter, information is collected by amendment to the initial Form CA–1 when changes in circumstances that render certain information on Form CA–1 inaccurate, misleading, or incomplete necessitate modification of the information previously provided to the Commission.

The Commission uses the information disclosed on Form CA–1 to (i) determine whether an applicant meets the standards for registration set forth in Section 17A of the Exchange Act, (ii) enforce compliance with the Exchange Act's registration requirement, and (iii) provide information about specific registered clearing agencies for compliance and investigatory purposes. Without Rule 17Ab2–1, the Commission could not perform these duties as statutorily required.

The Commission staff estimates that the average Form CA–1 requires approximately 130 hours to complete and submit for approval. This burden is composed primarily of a one-time reporting burden that reflects the applicant's staff time (*i.e.* internal labor costs) to prepare and submit the Form to the Commission. This estimate includes the burden associated with filing amendments to Form CA–1, which is required when certain information contained in an applicant's or registrant's Form CA–1 becomes inaccurate, misleading, or incomplete. (The time burden related to preparing and submitting an amendment widely varies depending on the nature of the information that needs to be updated.) Since the Commission only receives an average of one submission per year, the aggregate annual burden associated with compliance with Rule 17Ab2–1 and Form CA–1 is 130 hours. The Commission staff estimates that compliance staff work at applicant or registrant clearing agencies to comply with Rule 17Ab2–1 and complete Form CA–1 will result in an internal cost of compliance, at an estimated hourly wage of $283, of $36,790 per year per clearing agency (130 hours × $283 per hour = $36,790 per year). Therefore, the aggregate annual internal cost of compliance for the approximately one clearing agency each year to comply with Rule 17Ab2–1 is also $36,790. The external costs associated with work on Form CA–1 include fees charged by outside lawyers and accountants to assist the applicant or registrant collect and prepare the information sought by the form (though such consultations are not required by the Commission) and are estimated to be approximately a total amount of $19,029 ($19,029 times one registrant per year).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov.* Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: September 19, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20216 Filed 9–21–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–064, OMB Control No. 3235–0067]

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE., Washington, DC 20549–2736

Extension:
Form S–11

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget this request for extension of the previously approved collection of information discussed below.

Form S–11 (17 CFR 239.18) is the registration statement form used to register securities issued by real estate investment trusts or by issuers whose business is primarily that of acquiring and holding for investment interests in real estate under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*). The information filed with the Commission permits verification of compliance with securities law requirements and assures public availability and dissemination of such information. Information provided is mandatory. We estimate that Form S–11 takes approximately 779.04 hours per response and is filed by approximately 64 issuers annually. In addition, we estimate that 25% of the 779.04 hours per response (194.76 hours) is prepared by the issuer for an annual reporting burden of 12,465 hours (194.76 hours per response × 64 responses).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov* . Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.* Comments must be submitted to OMB within 30 days of this notice.

Dated: September 19, 2017.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20220 Filed 9–21–17; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81642; File No. SR–Phlx–2017–55)

Self-Regulatory Organizations; NASDAQ PHLX LLC; Notice of Filing of Proposed Rule Change To Amend Certain Sections of Rules 1024, Conduct of Accounts for Options Trading, and of 1025, Supervision of Accounts, To Conform Them More Closely To Comparable Rules of the Chicago Board Options Exchange (''CBOE'') and To Make Minor Clarifications and Corrections to the Text

September 18, 2017.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on September 7, 2017 NASDAQ PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend certain sections of Rules 1024, Conduct of Accounts for Options Trading, and of 1025, Supervision of Accounts, to conform them more closely to comparable rules of the Chicago Board Options Exchange (''CBOE'') and to make minor clarifications and corrections to the text.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqphlx.cchwallstreet.com/*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rules 1024 and 1025 contain a range of regulatory requirements generally applicable to Phlx members and member organizations that conduct a public customer options business. The Exchange is proposing a number of changes to certain sections of those rules to clarify the language of those rules and to correct inaccuracies. The Exchange also proposes to change certain rule language to conform the rules more closely to CBOE rules dealing with the same subject matter, in order to more easily facilitate compliance by dual members and to prevent inadvertent misunderstandings of the rules' requirements that can arise from slight wording differences. These rule changes are generally intended to promote more effective regulatory compliance by Exchange members and member organizations. The proposed changes are detailed below.

Rule 1024(a)(i)

Rule 1024(a)(i) governs registration of Options Principals.[3] The rule currently provides that no member or member organization or individual associated with a member organization shall be approved to transact options business with the public until such persons, who are designated as Options Principals, have been approved by and registered with the Exchange. Additionally, it provides that persons engaged in the supervision of options sales practice or a person to whom the designated general partner or executive officer (pursuant to Rule 1025) or another Registered Options Principal[4] delegates the authority to supervise options sales practices shall be designated as Options Principals. Finally, the rule states that all members and member organizations must use Web CRD to submit Form U4, Uniform Application for Securities Industry Registration or Transfer filings on behalf of their Options Principals. Members and member organizations are required under the rule to amend Form U4 filings not later than thirty (30) days after the filer knew or should have known of the facts which gave rise to the amendment.

The Exchange is proposing to amend Rule 1024(a)(i) by adopting language requiring Options Principals to electronically file a Uniform Application for Securities Industry Registration or Transfer (Form U4) with Web CRD, to successfully complete an examination prescribed by the Exchange and specified in Rule 1024 for the purpose of demonstrating an adequate knowledge of the options business and of the Rules of the Exchange, and to further agree in the U4 filing to abide by the Bylaws and Rules of the Exchange and the Rules of The Options Clearing Corporation. The Exchange is proposing to remove the sentence that requires members and member organizations to amend Form U4 filings not later than thirty (30) days after the filer knew or should have known of the facts which gave rise to the amendment. However, the Exchange proposes to add language requiring members and member organizations that are required to complete Form U4 to promptly (but in any event no later than 30 days after the filer knew or should have known of the facts which gave rise to the need for the amendment) electronically file any required amendments to Form U4 with Web CRD. Additionally, new language is proposed that would require termination of employment or affiliation of any Registered Options Principal in such capacity to be promptly, but in any event no later than 30 days following the termination, electronically reported to Web CRD together with a brief statement of the reason for such termination on Form U5. The amendment would conform Rule 1024(a) more closely to CBOE Rule 9.2. The proposal would also correct a reference in the second sentence to ''options sale practice,'' substituting for that term ''options sales practices''.

Rule 1024(b)(ii)

Rule 1024(b)(ii) generally provides that, in approving a customer's account for options transactions, a member or member organization shall exercise due diligence to learn the essential facts as to the customer and his investment objectives and financial situation, and shall make a record of such information. It also provides for approval and for confirmation of approval of the customer's account by a Registered Options Principal qualified individual.

For purposes of clarity, the Exchange proposes to eliminate references in Rule 1024(b)(ii) to a ''specific'' or ''specified'' Registered Options Principal. It also proposes to delete the words ''qualified individual'' as they appear following references to Registered Options Principals to eliminate any ambiguity, as it is not clear what a Registered Options Principal qualified individual

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Rule 612(d).

[4] *Id.*

means if not a Registered Options Principal. Finally, the Exchange proposes to relocate the phrase ''within a reasonable period of time'' simply to conform the rule in this respect more closely to CBOE Rule 9.7.

Rule 1024(c)(v)

Rule 1024(c)(v) is proposed to be amended by changing an inaccurate internal cross reference, from Rule 1029(c) to Rule 1029(b).

Rule 1024 Commentary .01 Section 8

The Exchange is proposing to delete the word ''other'' as unnecessary and to correct the placement of a closing parenthesis, moving it from after the word ''transactions'' to after the word ''commodities''.

Rule 1024 Commentary .03

The Exchange is proposing to add the inadvertently omitted word ''an'' before the word ''opportunity''.

Rule 1024 Commentary .06

The Exchange is proposing to reword the sentence for clarity, so that it states that individuals engaged in the supervision of options sales practices are required to be designated as Options Principals and are required to qualify as an Options Principal by passing one of the examinations referred to in the rule. The Exchange also proposes to amend the rule's reference to the Series 9/10 examination, in order to use the same name that the Financial Industry Regulatory Authority (''FINRA'') uses for that examination.

Rule 1024 Commentary .07

The Exchange proposes to add the inadvertently dropped word ''reviewing'' to a sentence that requires individuals who are delegated responsibility for reviewing, among other things, the acceptance of discretionary accounts, to be designated as Options Principals and pass the Series 4 examination.

Rule 1025(a)(iii)A

The Exchange proposes to substitute the word ''responsibility'' for the word ''responsibilities'' simply to conform the rule more closely to CBOE Rule 9.8(a)(3)(i).

Rule 1025(b)(i)

The Exchange proposes to make minor, nonsubstantive, clarifying wording changes which would conform the rule language more closely to that of CBOE Rule 9.8(b)(1), by removing the unnecessary words ''above-noted'', by replacing the words ''requirements applicable to'' with the words ''responsibility of'', by deleting the unnecessary words ''however, the'', and by replacing the words ''other than the principal supervisory office if such documents and information'' with the words ''off premises so long as the records''.

Rule 1025(b)(iii)

The Exchange proposes to capitalize the word ''Rule'' in a reference to SEC rule 17a–4, to conform the language more closely to CBOE Rule 9.8(b)(3).

Rule 1025(b) Concluding Sentence

The words ''any person'' are proposed to be substituted for the words ''a person'', and an inaccurate reference to ''this paragraph (b)(3)'' is proposed to be corrected to read ''this paragraph (b)(iii)''.

Rule 1025(d)

An extraneous word ''the'' is proposed to be deleted before the word ''proximity'' to conform more closely to CBOE Rule 9.8(d)(1)(i), and an inaccurate reference to Rule 1025(c) is proposed to be corrected to read Rule 1025(e).

Rule 1025(e)

The Exchange proposes to remove an extraneous comma to conform the rule more closely to CBOE Rule 9.8(e)(1) and to change an incorrect internal cross reference from paragraph (e)(1) to paragraph (e)(i).

Rule 1025(g)

Currently, Rule 1025(g) requires each member organization that conducts a non-member customer business to submit each year to the Exchange a written report on the member organization's supervision and compliance effort during the preceding year. The Exchange proposes to expand the requirement to conform it more closely to CBOE Rule 9.8(g), by specifying that the report must also detail the adequacy of the member organization's ongoing compliance processes and procedures. The proposed amendments to Rule 1025(g) would also require the Chief Executive Officer (or equivalent) to certify that the member organization has in place processes to test the effectiveness of policies and procedures on a periodic, rather than on a regular, basis. This change would conform the Exchange's requirement more closely to the comparable CBOE Rule 9.8(g)5(i)(C) requirement. The proposal would also correct the spelling of the word ''preceding'' in Rule 1025(g)(ii), add missing semicolons to an itemized list found in Rule 1025(g)(iii), correct inaccurate internal cross references in Rules 1025(g)(v)(C) and (D), as well as correct the placement of a closing parenthesis in Rule 1025(g)(v)(C). Finally, it would replace the awkward phrase ''this requirement of this Rule'' with ''the requirements of this Rule''.

Rule 1025(h)

Rule 1025(h) currently provides that each member organization shall submit the report required by Rule 1024(g) to its one or more control persons or, if the member organization has no control person, to the audit committee of its board of directors or its equivalent committee or group. The Exchange proposes to replace the inaccurate reference to Rule 1024(g) with a correct reference to Rule 1025(g). The Exchange proposes to add language to the end of the rule to establish the meaning of ''control person,'' proposed to be defined as a person who controls the member organization. The new language would define the term ''control'' as meaning the power to exercise a controlling influence over the management or policies of the member organization, unless such power is solely the result of an official position with the member organization. Finally, the new language would state that any person who owns beneficially, directly or indirectly, more than 20% of the voting power in the election of directors of the member organization, or more than 25% of the voting power in the election of directors of any other corporation which directly or through one or more affiliates owns beneficially more than 25% of the voting power in the election of directors of the member organization, shall be presumed to control the member organization. The proposed new language is based on CBOE Rules 9.8(h) and 1.1(k), which is incorporated by reference into CBOE Rule 9.8(h).

Rule 1025 Commentary .02 and .03

Rule 1025 Commentary .02 is proposed to be amended by deleting the introductory phrase ''In meeting their supervisory responsibilities'' in order to conform the language more closely to CBOE Rule 9.8, Interpretations and Policies .01. The rule currently requires member organizations conducting a non-member customer business to enforce written procedures governing the conduct of options accounts. As revised, the written procedures would be required to detail the specific methods used to supervise all non-member customer accounts and all orders in such accounts. This amendment would also provide greater clarity regarding the required content of

the procedures and also would conform the rule more closely to CBOE Rule 9.8 Interpretations and Policies .01. The last sentence of Commentary .02 would be revised by replacing the phrase ''short uncovered'' options positions with the phrase ''uncovered short'' options positions. Finally, the Exchange proposes to amend Rule 1025 Commentary .03 by adding the word ''shall'' to the first sentence, to conform the language more closely to CBOE Rule 9.8, Interpretations and Policies .02.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The amendments should remove impediments to and perfect the mechanism of a free and open market and a national market system, by correcting various aspects of the rules and by adding additional clarity to the rules. The minor corrections and clarifications described above should improve the accuracy of the rules and should also improve their readability, making them more understandable and thereby facilitating easier compliance.

Additionally, where certain sections of the Phlx rules are proposed to be amended to conform more closely to comparable rules of the CBOE, the proposed rule change should create greater regulatory parity among the two options exchanges regarding members' obligations in the areas of conduct of accounts for options trading and supervision of accounts. The proposed amendments should create more efficient regulatory compliance by members of both exchanges due to reduction of differences in wording and consequent potential for inadvertent regulatory noncompliance. In this regard, the Exchange believes it is in the public interest for a more consistently worded regulatory policy and standard regarding conduct of accounts for options trading and supervision of accounts to be in effect across options exchanges, for the benefit of customers.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. As stated above the proposal is designed to correct various aspects of the rules and to add additional clarity to various sections of the rules, which are equally applicable to all similarly situated members and member organizations. Certain aspects of the proposed rule change to amend various sections of Rules 1024 and 1025 are also designed to conform to Phlx rules more closely to comparable rules of CBOE, thus eliminating a potential source of regulatory arbitrage and facilitating compliance by dual members.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*.ase include File Number SR–Phlx–2017–55 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2017–55. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*).

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–Phlx–2017–55 and should be submitted on or before October 13, 2017.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20202 Filed 9–21–17; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–81641; File No. SR–NYSE–2017–36]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Adopt New Equity Trading Rules for Trading UTP Securities on Pillar, Including Orders and Modifiers, Order Ranking and Display, and Order Execution and Routing

September 18, 2017.

On July 28, 2017, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities

Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt new equity trading rules to allow the Exchange to trade securities that are listed on a national securities exchange other than NYSE (''UTP Securities'') [3] pursuant to unlisted trading privileges for the first time on Pillar, the Exchange's new trading technology platform. The proposed rule change was published for comment in the **Federal Register** on August 9, 2017.[4] The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act [5] provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be approved or disapproved. The 45th day after publication of the notice for this proposed rule change is September 23, 2017. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that the Commission has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[6] designates November 7, 2017, as the date by which the Commission should either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR–NYSE–2017–36).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2017–20201 Filed 9–21–17; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* NYSE Rule 1.1(ii) for a definition of UTP Security.

[4] *See* Securities Exchange Act Release No. 81310 (Aug. 3, 2017), 82 FR 37257 (Aug. 9, 2017).

[5] 15 U.S.C. 78s(b)(2).

[6] *Id.*

[7] 17 CFR 200.30–3(a)(31).

DEPARTMENT OF STATE

[Public Notice: 10135]

Determination Pursuant to the Foreign Missions Act

Pursuant to the authority vested in me as the Secretary of State under the Foreign Missions Act, 22 U.S.C. 4301 *et seq.* (''the Act''), I hereby determine it is reasonably necessary to achieve one or more of the purposes set forth in section 204(b) of the Act (22 U.S.C. 4304(b)) to designate 353 Lexington Ave, Suite 1500, New York, NY 10016, which is leased by the Government of the Russian Federation, as a location and facilities for which entry or access is strictly prohibited by any and all representatives or employees of the Russian Government and their dependents, or persons acting on their behalf, without first obtaining written permission from the Department of State's Office of Foreign Missions. Such prohibitions will take effect as of 2:00 p.m. Eastern Daylight Time on September 2, 2017.

As a result, any and all representatives or employees of the Russian Government and their dependents, or persons acting on their behalf, are required to depart the premises no later than the date and time stated above.

Access to the property by the persons listed above will be subject to terms and conditions set forth by the Office of Foreign Missions.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–20270 Filed 9–21–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 10136]

Determination Pursuant to the Foreign Missions Act

Pursuant to the authority vested in me as the Secretary of State under the Foreign Missions Act, (''the Act''), I hereby determine it is reasonably necessary to achieve one or more of the purposes set forth in section 204(b) of the Act to designate 2790 Green Street, San Francisco, CA 94123, which is owned by the Government of the Russian Federation, as a location and facilities for which entry or access is strictly prohibited by all individuals, including but not limited to representatives or employees of the Russian Government and their dependents, without first obtaining written permission from the Department of State's Office of Foreign Missions. Such prohibitions will take effect as of 11:00 a.m. Pacific Daylight Time on September 2, 2017.

As a result, all persons on the said property are required to depart the premises no later than the date and time stated above.

For purposes of this determination, 2790 Green Street, San Francisco, CA 94123, includes any buildings and/or improvements thereon and the land ancillary thereto.

Access to the property will be subject to terms and conditions set forth by the Office of Foreign Missions.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–20268 Filed 9–21–17; 8:45 am]

BILLING CODE 4710–43–P

DEPARTMENT OF STATE

[Public Notice: 10133]

Notice of Determinations; Culturally Significant Object Imported for Exhibition Determinations: Exhibition of ''The Seine near Rouen'' Object

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object entitled ''The Seine near Rouen,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at The J. Paul Getty Museum at the Getty Center, Los Angeles, California, from on or about October 1, 2017, until on or about February 28, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: For further information, including information identifying the object, contact Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority

No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2017–20215 Filed 9–21–17; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 10118]

30-Day Notice of Proposed Information Collection: Statement of Non-Receipt of a U.S. Passport

ACTION: Notice of request for public comment and submission to OMB of proposed collection of information.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to October 23, 2017.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, by mail to PPT Forms Officer, U.S. Department of State, CA/PPT/S/L/LA, 44132 Mercure Cir, P.O. Box 1227, Sterling, VA 20166–1227, by phone at (202) 485–6538, or by email at *PPTFormsOfficer@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Statement of Non-Receipt of a U.S. Passport.
- *OMB Control Number:* 1405–0146.
- *Type of Request:* Revision of a Currently Approved Collection.
- *Originating Office:* Department of State, Bureau of Consular Affairs, Passport Services, Office of Legal Affairs (CA/PPT/S/L/LA).
- *Form Number:* DS–86.
- *Respondents:* Individuals.
- *Estimated Number of Respondents:* 15,330.
- *Estimated Number of Responses:* 15,330.
- *Average Time per Response:* 15 minutes.
- *Total Estimated Burden Time:* 3,833 hours.
- *Frequency:* On Occasion.
- *Obligation To Respond:* Required to Obtain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Statement of Non-Receipt of a U.S. Passport, Form DS–86 is used by the U.S. Department of State to collect information for the purpose of issuing a replacement passport to customers who have not received the passport for which they originally applied.

Methodology

Passport applicants who do not receive their passport products are required to complete a Statement of Non-Receipt of a U.S. Passport form DS–86, which can be downloaded from *travel.state.gov* or a hard copy obtained by calling the National Passport Information Center. Copies of the DS–86 are also available from an Acceptance Facility/Passport Agency by request. Applicants must call the National Passport Information Center for instructions on how to submit the form.

Brenda S. Sprague,

Deputy Assistant Secretary for Passport Services, Bureau of Consular Affairs, Department of State.

[FR Doc. 2017–20210 Filed 9–21–17; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

[Public Notice: 10137]

Determination Pursuant to the Foreign Missions Act

Pursuant to the authority vested in me as the Secretary of State under the Foreign Missions Act, 22 U.S.C. 4301 *et seq.* (''the Act''), I hereby determine it is reasonably necessary to achieve one or more of the purposes set forth in section 204(b) of the Act (22 U.S.C. 4304(b)) to designate 2001 Connecticut Avenue NW., Washington, DC 20008, which is owned by the Government of the Russian Federation, as a location and facilities for which entry or access is strictly prohibited by all individuals, including but not limited to representatives or employees of the Russian Government and their dependents, without first obtaining written permission from the Department of State's Office of Foreign Missions. Such prohibitions will take effect as of 2:00 p.m. Eastern Daylight Time on September 2, 2017.

As a result, all persons on the said property are required to depart the premises no later than the date and time stated above.

For purposes of this determination, 2001 Connecticut Avenue NW., Washington, DC 20008, includes any buildings and/or improvements thereon and the land ancillary thereto.

Access to the property will be subject to terms and conditions set forth by the Office of Foreign Missions.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–20271 Filed 9–21–17; 8:45 am]

BILLING CODE 4710–43–P

DEPARTMENT OF STATE

[Public Notice: 10138]

Determination Pursuant to the Foreign Missions Act

Pursuant to the authority vested in me as the Secretary of State under the Foreign Missions Act, 22 U.S.C. 4301 *et seq.* (''the Act''), I hereby determine it is reasonably necessary to achieve one or

more of the purposes set forth in section 204(b) of the Act (22 U.S.C. 4304(b)) to designate 2820 Broadway, San Francisco, CA 94123, which is owned by the Government of the Russian Federation, as a location and facilities for which entry or access is strictly prohibited by all individuals, including but not limited to representatives or employees of the Russian Government and their dependents, without first obtaining written permission from the Department of State's Office of Foreign Missions. Such prohibitions will take effect as of 11:59 p.m. Pacific Daylight Time on October 1, 2017.

As a result, all persons on said property are required to depart the premises no later than the date and time stated above.

For purposes of this determination, 2820 Broadway, San Francisco, CA 94123, includes any buildings and/or improvements thereon and the land ancillary thereto.

Access to the property will be subject to terms and conditions set forth by the Office of Foreign Missions.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2017–20269 Filed 9–21–17; 8:45 am]

BILLING CODE 4710–43–P

SURFACE TRANSPORTATION BOARD

[Docket No. EP 670 (Sub-No. 3)]

Renewal of Rail Energy Transportation Advisory Committee

AGENCY: Surface Transportation Board.

ACTION: Notice of intent to renew charter.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, notice is hereby given that the Surface Transportation Board (Board) intends to renew the charter of the Rail Energy Transportation Advisory Committee (RETAC).

ADDRESSES: A copy of the charter is available on the Board's Web site at *https://www.stb.gov/stb/rail/retac.html.*

FOR FURTHER INFORMATION CONTACT: Michael Higgins, Designated Federal Officer, at (202) 245–0284. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at: (800) 877–8339].

SUPPLEMENTAL INFORMATION: RETAC was established by the Board on September 24, 2007, to provide advice and guidance to the Board, on a continuing basis, and to provide a forum for the discussion of emerging issues and concerns regarding the transportation by rail of energy resources, including, but not necessarily limited to, coal and biofuels (such as ethanol), and petroleum. RETAC functions solely as an advisory body and complies with the provisions of FACA and its implementing regulations.

RETAC consists of up to 25 voting members, excluding the governmental representatives. The membership comprises a balanced representation of individuals experienced in issues affecting the transportation of energy resources, including no fewer than: 5 representatives from the Class I railroads; 3 representatives from Class II and III railroads; 3 representatives from coal producers; 5 representatives from electric utilities (including at least one rural electric cooperative and one state- or municipally-owned utility); 4 representatives from biofuel feedstock growers or providers, and biofuel refiners, processors, and distributors; 2 representatives from private car owners, car lessors, or car manufacturers; and, 1 representative from the petroleum shipping industry. The Committee may also include up to 2 members with relevant experience but not necessarily affiliated with one of the aforementioned industries or sectors. All voting members of the Committee serve in a representative capacity on behalf of their respective industry or stakeholder group. The Vice Chairman of the Board is an *ex officio* (non-voting) member of RETAC. Representatives from the U.S. Departments of Agriculture, Energy, and Transportation; and the Federal Energy Regulatory Commission may be invited to serve on the Committee in an advisory capacity as *ex officio* (non-voting) members.

RETAC meets at least twice a year, and meetings are open to the public, consistent with the Government in the Sunshine Act, Public Law 94–409 (1976).

Further information about RETAC is available on the Board's Web site (*https://www.stb.gov/stb/rail/retac.html*) and at the GSA's FACA Database (*https://facadatabase.gov/*).

Decided: September 19, 2017.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2017–20288 Filed 9–21–17; 8:45 am]

BILLING CODE 4915–01–P

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at September 7, 2017, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on September 7, 2017, in Elmira, New York, the Commission took the following actions: (1) Approved or tabled the applications of certain water resources projects; and (2) took additional actions, as set forth in the Supplementary Information below.

DATES: September 7, 2017.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: 717–238–0423, ext. 1312; fax: 717–238–2436; *joyler@srbc.net.* Regular mail inquiries may be sent to the above address. See also Commission Web site at *www.srbc.net.*

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) Approval of a grant and a grant amendment; (2) tabled action to amend Commission By-laws; (3) adoption of guidelines for preparing an alternatives analysis to provide clarity to project sponsors regarding a formal evaluation of alternate options for a proposed water source, use or diversion; (4) release of proposed rulemaking to amend the Commission's regulations to codify and strengthen its Access to Records Policy; (5) approval of waiver requests of Carrolltown Borough Municipal Authority and the Village of Hamilton to extend the expiration dates of their groundwater withdrawal approvals; (6) approval of Middletown Borough's request for waiver, modifying the requirements of the regulation appropriate to Middletown's request and directed staff to apply this modification to similar situations while a corresponding rulemaking is developed; (7) denied a request for waiver from Peak Resorts, Inc./Greek Peak Mountain Resort; (8) approval to extend the terms of emergency certificates for Sunset Golf Course, Sunoco Pipeline L.P., and Furman Foods, Inc.; and (9) a report on delegated settlements with the following project sponsors, pursuant to SRBC Resolution 2014–15: Labrador Mountain, in the amount of $2,000;

Standing Stone Golf Club, Inc., in the amount of $2,000; and Suez Water Owego-Nichols, Inc., in the amount of $7,500.

Project Applications Approved

The Commission approved the following project applications:

1. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Springville Township, Susquehanna County, Pa. Renewal with modification of surface water withdrawal of up to 0.750 mgd (peak day) (Docket No. 20130904).

2. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Chemung River), Athens Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20130905).

3. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Sugar Creek), Burlington Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20130906).

4. Project Sponsor and Facility: Chesapeake Appalachia, L.L.C. (Susquehanna River), Terry Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20130907).

5. Project Sponsor and Facility: Chief Oil & Gas LLC (Towanda Creek), Leroy Township, Bradford County, Pa. Surface water withdrawal of up to 1.500 mgd (peak day).

6. Project Sponsor and Facility: Downs Racing, L.P. d/b/a Mohegan Sun Pocono, Plains Township, Luzerne County, Pa. Consumptive use of up to 0.350 mgd (peak day).

7. Project Sponsor and Facility: Elizabethtown Area Water Authority, Mount Joy Township, Lancaster County, Pa. Renewal of groundwater withdrawal of up to 0.432 mgd (30-day average) from Well 6 (Docket No. 19861103).

8. Project Sponsor and Facility: Elizabethtown Area Water Authority, Mount Joy Township, Lancaster County, Pa. Groundwater withdrawal of up to 0.432 mgd (30-day average) from Well 7.

9. Project Sponsor and Facility: Elizabethtown Area Water Authority, Elizabethtown Borough and Mount Joy Township, Lancaster County, Pa. Modification to correct total system limit to remove inclusion of water discharged to the Conewago watershed to offset passby and transfer of water from Conewago Creek to Back Run (Docket No. 20160903).

10. Project Sponsor and Facility: Moxie Freedom LLC, Salem Township, Luzerne County, Pa. Modification to increase consumptive use by an additional 0.408 mgd (peak day), for a total consumptive use of up to 0.500 mgd (peak day) (Docket No. 20150907).

11. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC (Meshoppen Creek), Meshoppen Borough, Wyoming County, Pa. Renewal of surface water withdrawal of up to 0.145 mgd (peak day) (Docket No. 20130913).

12. Project Sponsor and Facility: Susquehanna Nuclear, LLC, Salem Township, Luzerne County, Pa. Modification to increase consumptive use by an additional 5.000 mgd (peak day), for a total consumptive use of up to 53.000 mgd (peak day) (Docket No. 19950301).

13. Project Sponsor and Facility: Susquehanna Nuclear, LLC (Susquehanna River), Salem Township, Luzerne County, Pa. Modification to increase surface water withdrawal by an additional 10.000 mgd (peak day), for a total surface water withdrawal increase of up to 76.000 mgd (peak day) (Docket No. 19950301).

14. Project Sponsor and Facility: SWEPI LP (Elk Run), Sullivan Township, Tioga County, Pa. Surface water withdrawal of up to 0.646 mgd (peak day).

15. Project Sponsor and Facility: SWN Production Company, LLC (Wyalusing Creek), Wyalusing Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 2.000 mgd (peak day) (Docket No. 20130911).

16. Project Sponsor and Facility: Transcontinental Gas Pipe Line Company, LLC. Project: Atlantic Sunrise (Fishing Creek), Sugarloaf Township, Columbia County, Pa. Modification to add consumptive use of up to 0.200 mgd (peak day) to existing docket approval (Docket No. 20160913).

17. Project Sponsor and Facility: Transcontinental Gas Pipe Line Company, LLC. Project: Atlantic Sunrise (Fishing Creek), Sugarloaf Township, Columbia County, Pa. Modification to change authorized use of source to existing docket approval (Docket No. 20160913).

Project Applications Tabled

The Commission tabled action on the following project applications:

1. Project Sponsor and Facility: Houtzdale Municipal Authority, Gulich Township, Clearfield County, Pa. Application for groundwater withdrawal of up to 1.008 mgd (30-day average) from Well 14R.

2. Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.320 mgd (30-day average) from Well 1.

3. Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.480 mgd (30-day average) from Well 2.

4. Project Sponsor and Facility: Village of Waverly, Tioga County, N.Y. Application for groundwater withdrawal of up to 0.470 mgd (30-day average) from Well 3.

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: September 19, 2017.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2017–20276 Filed 9–21–17; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Membership in the National Parks Overflights Advisory Group

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of Selection.

SUMMARY: By **Federal Register** notice on July 28, 2017, the FAA and the National Park Service (NPS) invited interested persons to apply to fill three current vacancies on the National Parks Overflights Advisory Group (NPOAG). The notice invited interested persons to apply to fill the openings, all of which represent environmental concerns. This notice informs the public of the persons selected to fill these current openings.

FOR FURTHER INFORMATION CONTACT: Keith Lusk, Special Programs Staff, Federal Aviation Administration, Western-Pacific Region Headquarters, 15000 Aviation Boulevard, Lawndale, CA 90261, telephone: (310) 725–3808, email: *Keith.Lusk@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106–181, and subsequently amended in the FAA Modernization and Reform Act of 2012. The Act required the establishment of the advisory group within 1 year after its enactment. The NPOAG was established in March 2001. The advisory group is comprised of a balanced group of representatives of general aviation, commercial air tour operations, environmental concerns, and Native American tribes. The Administrator of the FAA and the Director of NPS (or their designees) serve as ex officio members of the

group. Representatives of the Administrator and Director serve alternating 1-year terms as chairman of the advisory group.

In accordance with the Act, the advisory group provides ''advice, information, and recommendations to the Administrator and the Director—

(1) On the implementation of this title [the Act] and the amendments made by this title;

(2) On commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) On other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) At the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.''

Membership

The current NPOAG is made up of one member representing general aviation, three members representing the commercial air tour industry, four members representing environmental concerns, and two members representing Native American interests. Current members of the NPOAG are as follows:

Melissa Rudinger representing general aviation; Alan Stephen, Matt Zuccaro, and Mark Francis representing commercial air tour operators; Rob Smith representing environmental interests with three open seats; and Leigh Kuwanwisiwma and Martin Begaye representing Native American tribes.

Selections

The persons selected to fill the current open seats representing environmental concerns are Dick Hingson, Les Blomberg, and John Eastman. These newly selected members' 3-year terms will begin on the publication date of this notice.

Issued in Hawthorne, CA, on September 13, 2017.

Keith Lusk,

Program Manager, Special Programs Staff, Western-Pacific Region.

[FR Doc. 2017–20332 Filed 9–21–17; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0071; Notice 1]

Sumitomo Rubber Industries, Ltd., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Sumitomo Rubber Industries, Ltd. (SRI), on behalf of itself and its subsidiary Sumitomo Rubber North America, Inc. (SRNA), have determined that certain Falken truck 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.* SRI filed a noncompliance report dated June 20, 2017. SRI also petitioned NHTSA on July 10, 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 23, 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: Sumitomo Rubber Industries, Ltd. (SRI), on behalf of itself and its subsidiary Sumitomo Rubber North America, Inc. (SRNA), have determined that certain Falken truck tires do not fully comply with paragraph S6.5(f) of FMVSS No. 119, *New Pneumatic Tires for Motor Vehicles with a GVWR of more than 4,536 kilograms (10,000 pounds) and Motorcycles.* SRI filed a noncompliance report dated June 20, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* SRI also petitioned NHTSA on July 10, 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 SRI and SRNA'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. Tires Involved: Approximately 5,408 Falken truck tires (Model RI151), size 225/70R19.5, manufactured between October 17, 2016, and April 28, 2017, are potentially involved.

III. Noncompliance: SRI explains that the noncompliance is that the number of plies indicated on the sidewall of the subject tires do not match the actual number of plies in the tire construction, and therefore, do not meet all applicable requirements specified in paragraph S6.5(f) of FMVSS No. 119. Specifically, the tires are marked with ''TREAD 5 PLIES STEEL'' whereas the correct marking should be ''TREAD 4 PLIES STEEL.''

IV. Rule Text: Paragraph S6.5 of FMVSS No. 119 states, 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 . . .

* * * * *

(f) The actual number of plies and the composition of the ply cord material in the sidewall and, if different, in the tread area.

V. Summary of SRI's Petition: As background, On June 12, 2017, SRI discovered that a population of 5,408 Falken brand truck tires, Model RI151, size 225/70Rl9.5 128/126L, manufactured from October 17, 2016 through April 28, 2017 at the company's plant in Miyazaki, Japan, were marked with the incorrect number of plies. On July 13, 2017, SRNA was informed of the marking error, shipments of the subject tires were halted, and the company determined that the subject tires failed to comply with the tire labeling requirements of Federal motor vehicle safety standard (FMVSS) No. 119, S6.5. Specifically, the subject tires were incorrectly marked ''TREAD 5 PLIES STEEL,'' although they should have been marked ''TREAD 4 PLIES STEEL.'' Accordingly, these tires do not conform to the marking requirements of FMVSS No. 119, S6.5. The subject tires comply with the performance requirements and other marking requirements of FMVSS No. 119.

SRI submitted a Part 573 noncompliance report on June 20, 2017. NHTSA Recall No. l7T–012. SRI corrected the production molds. SRI began manufacturing correct versions of these tires on June 17, 2017.

SRI 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, SRI submitted the following reasoning:

Under the Safety Act, each Federal motor vehicle safety standard promulgated by the National Highway Traffic Safety Administration (NHTSA) must be ''practicable, meet the need for motor vehicle safety, and be stated in objective terms.'' 49 U.S.C. 3011l(a). The Safety Act defines ''motor vehicle safety'' as:

the performance of a motor vehicle or motor vehicle equipment in a way that protects the public against unreasonable risk of accidents occurring because of the design, construction or performance of a motor vehicle, and against unreasonable risk of death or injury in an accident, and includes nonoperational safety of a motor vehicle.

49 U.S.C. 30102(a)(8) (emphasis added).

The Safety Act exempts manufacturers from the Safety Act's notice and remedy requirements when the Secretary of Transportation determines that a defect or noncompliance is inconsequential as it relates to motor vehicle safety. *See* 49 U.S.C. 30118(d). Section 30118(d) demonstrates Congress's acknowledgment that there are cases where a manufacturer has failed to comply with a safety standard, yet the impact on motor vehicle safety is so slight that an exemption from the notice and remedy requirements of the Safety Act is justified. NHTSA has stated that the relevant consideration in evaluating an inconsequentiality petition is ''whether an occupant who is affected by the noncompliance *is likely to be exposed to a significantly greater risk than an occupant in a compliant vehicle*.'' 69 FR 19897, 19900 (April 14, 2004) (emphasis added).

In the context of tires specifically, the agency has similarly stated that it ''believes that one measure of inconsequentiality to motor vehicle safety is that there is no effect of the noncompliance on the operational safety of vehicles on which the tires are mounted. Another measure of inconsequentiality . . . is the safety of people working in the tire retread, repair and recycling industries.'' *See* 72 FR 18210 (April 17, 2017) (granting petition for determination of inconsequential noncompliance with respect to Goodyear tires marked with the incorrect number of plies).

We believe the labeling noncompliance at issue here is inconsequential to motor vehicle safety. The subject Falken tires were manufactured as designed and meet or exceed all applicable FMVSS No. 119 performance standards. Furthermore, all of the sidewall markings related to tire service (load capacity, corresponding inflation pressure, etc.) are correct and the tires correctly show that they contain steel plies. SRI does not believe the mislabeling of these tires presents a safety concern for consumers or retreading and recycling personnel. As noted above, the affected tire mold has been corrected and tires produced on and after June 17, 2017, are marked with the correct number of plies.

NHTSA has previously granted petitions involving similar noncompliances. In the most recent of these, the agency explained:

Although tire construction affects the strength and durability of tires, neither the agency nor the tire industry provides information relating tire strength and durability to the number of plies and types of ply cord material in the tread sidewall. Therefore, tire dealers and customers should consider the tire construction information along with other information such as the load capacity, maximum inflation pressure, and tread wear, temperature, and traction ratings, to assess performance capabilities of various tires. In the agency's judgement, the incorrect labeling of the tire construction information will have an inconsequential effect on motor vehicle safety because most consumers do not base tire purchases or vehicle operation parameters on the number of plies in a tire.

See 72 FR 18210 (April 17,2017).

Regarding potential safety risks to the tire service industry, the agency concluded that a misstatement of the number of plies ''will have no measurable effect on the safety of the tire retread, repair, and recycling industries. The use of steel cord construction in the sidewall and tread is the primary safety concern of these industries. In this case, because the sidewall markings indicate that some steel plies exist in the tire sidewall, this potential safety concern does not exist.'' *Id.* As noted above, the markings on the subject tires correctly indicate that they contain steel plies (although the number is misstated as 5 instead of 4).

NHTSA also granted similar petitions involving tires manufactured by Cooper Tire and Goodyear (Dunlop). *See* 74 FR 10804 (March 12, 2009) (granting petition submitted by Goodyear where tires were labeled ''Tread 3 Polyester + 2 Steel,'' whereas the correct marking should have been ''Tread 2 Polyester + 2 Steel + 2 Polyester''); and 82 *FR* 17075 (April 7, 2017) (granting petition submitted by Cooper Tire & Rubber Company where tires were marked ''TREAD 1 PLY NYLON + 2 PLY STEEL + 2 PLY POLYESTER,'' whereas the correct marking should have been ''TREAD 1 PLY NYLON + 2 PLY STEEL + 1 PLY POLYESTER.''

SRI is not aware of any warranty claims, field reports, customer complaints, legal claims, or any incidents or injuries related to the subject condition.

SRI 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 tires that SRI no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after SRI 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. 2017–20248 Filed 9–21–17; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its effort to reduce paperwork and respondent burden, invites the general public and Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Treatment of Gain From the Disposition of Interest in Certain Natural Resource Recapture Property by S Corporations and Their Shareholders.

DATES: Written comments should be received on or before November 21, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the information collection should be directed to LaNita Van Dyke, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet, at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Treatment of Gain From the Disposition of Interest in Certain Natural Resource Recapture Property by S Corporations and Their Shareholders.

OMB Number: 1545–1493.

Regulation Project Number: T.D. 8684.

Abstract: This regulation prescribes rules under Code section 1254 relating to the treatment by S corporations and their shareholders of gain from the disposition of natural resource recapture property and from the sale or exchange of S corporation stock. Section 1.1254–4(c)(2) of the regulation provides that gain recognized on the sale or exchange of S corporation stock is not treated as ordinary income if the shareholder attaches a statement to his or her return containing information establishing that the gain is not attributable to section 1254 costs.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals.

Estimated Number of Respondents: 1,000.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 1,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 13, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–20241 Filed 9–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8823

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning Form 8823, Low-Income Housing Credit Agencies Report of Noncompliance or Building Disposition.

DATES: Written comments should be received on or before November 21, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to, L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224. Requests for additional information or copies of the form and instructions should be directed to, LaNita Van Dyke, or through the internet at *LanitaVanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Low-Income Housing Credit Agencies Report of Noncompliance or Building Disposition.

OMB Number: 1545–1204.

Form Number: 8823.

Abstract: Under Internal Revenue Code section 42(m)(1)(B)(iii), state housing credit agencies are required to notify the IRS of noncompliance with the low-income housing tax credit provisions. A separate form must be filed for each building that is not in compliance. The IRS uses this information to determine whether the low-income housing credit is being correctly claimed and whether there is any credit recapture.

Current Actions: There are no changes to this form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: State or local government housing credit agencies.

Estimated Number of Respondents: 20,000.

Estimated Time per Respondent: 15.16 hours.

Estimated Total Annual Burden Hours: 303,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 13, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–20244 Filed 9–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1041–A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the IRS is soliciting comments concerning U.S. information return-trust accumulation of charitable amounts.

DATES: Written comments should be received on or before November 21, 2017 to be assured of consideration.

ADDRESSES: Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224.

Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Lanita.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: U.S. Information Return-Trust Accumulation of Charitable Amounts.

OMB Number: 1545–0094.

Form Number: 1041–A.

Abstract: Form 1041–A is used to report the information required in Internal Revenue Code section 6034 concerning accumulation and distribution of charitable amounts. The data is used to verify the amounts for which a charitable deduction was allowed are used for charitable purposes.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations, and individuals.

Estimated Number of Respondents: 119,936.

Estimated Time per Respondent: 36 hrs, 40 minutes.

Estimated Total Annual Burden Hours: 4,396,854.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 13, 2017.

L. Brimmer,

Senior Tax Analyst.

[FR Doc. 2017–20243 Filed 9–21–17; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; U.S. Treasury Auctions Submitter Agreement

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in

accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before October 23, 2017 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW., Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Leonard by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Bureau of the Fiscal Service (FS)

Title: U.S. Treasury Auctions Submitter Agreement.

OMB Control Number: 1530–0056.

Type of Review: Extension without change of a currently approved collection.

Abstract: Chapter 31 of Title 31 of the United States code authorizes the Secretary of the Treasury to issue United States obligations and to offer them for sale under such terms and conditions as the Secretary may prescribe. Submitters in U.S. Treasury auctions are required by Federal Regulation 31 CFR part 356.16(a) to have an agreement on file prior to submitting a computer tender in Treasury auctions. This information is only required of organizations that voluntarily choose to submit tenders directly in Treasury auctions.

Form: FS Form 5441.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 80.

Authority: 44 U.S.C. 3501 et seq.

Dated: September 18, 2017.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2017–20185 Filed 9–21–17; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Multiemployer Pension Plan Application To Reduce Benefits

AGENCY: Department of the Treasury.

ACTION: Notice of availability; Request for comments.

SUMMARY: The Board of Trustees of the Western States Office and Professional Employees Pension Fund (WSOPE Pension Fund), a multiemployer pension plan, has submitted an application to reduce benefits under the plan in accordance with the Multiemployer Pension Reform Act of 2014. The purpose of this notice is to announce that the application submitted by the Board of Trustees of the WSOPE Pension Fund has been published on the Treasury Web site, and to request public comments on the application from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the WSOPE Pension Fund.

DATES: Comments must be received by November 6, 2017.

ADDRESSES: You may submit comments electronically through the Federal eRulemaking Portal at *http://www.regulations.gov,* in accordance with the instructions on that site. Electronic submissions through *www.regulations.gov* are encouraged.

Comments may also be mailed to the Department of the Treasury, MPRA Office, 1500 Pennsylvania Avenue NW., Room 1224, Washington, DC 20220. Attn: Eric Berger. Comments sent via facsimile and email will not be accepted.

Additional Instructions. All comments received, including attachments and other supporting materials, will be made available to the public. Do not include any personally identifiable information (such as Social Security number, name, address, or other contact information) or any other information in your comment or supporting materials that you do not want publicly disclosed. Treasury will make comments available for public inspection and copying on *www.regulations.gov* or upon request. Comments posted on the Internet can be retrieved by most Internet search engines.

FOR FURTHER INFORMATION CONTACT: For information regarding the application from the WSOPE Pension Fund, please contact Treasury at (202) 622–1534 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The Multiemployer Pension Reform Act of 2014 (MPRA) amended the Internal Revenue Code to permit a multiemployer plan that is projected to have insufficient funds to reduce pension benefits payable to participants and beneficiaries if certain conditions are satisfied. In order to reduce benefits, the plan sponsor is required to submit an application to the Secretary of the Treasury, which Treasury, in consultation with the Pension Benefit Guaranty Corporation (PBGC) and the Department of Labor, is required to approve or deny.

On August 24, 2017, the Board of Trustees of the WSOPE Pension Fund submitted an application for approval to reduce benefits under the plan. As required by MPRA, that application has been published on Treasury's Web site at *https://auth.treasury.gov/services/Pages/Plan-Applications.aspx.* Treasury is publishing this notice in the **Federal Register**, in consultation with the PBGC and the Department of Labor, to solicit public comments on all aspects of the WSOPE Pension Fund application.

Comments are requested from interested parties, including participants and beneficiaries, employee organizations, and contributing employers of the WSOPE Pension Fund. Consideration will be given to any comments that are timely received by Treasury.

Dated: September 18, 2017.

David Kautter,

Assistant Secretary for Tax Policy.

[FR Doc. 2017–20259 Filed 9–21–17; 8:45 am]

BILLING CODE 4810–25–P

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